

5-5-2010

Bradley v. State Clerk's Record Dckt. 37522

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs

Recommended Citation

"Bradley v. State Clerk's Record Dckt. 37522" (2010). *Idaho Supreme Court Records & Briefs*. 1505.
https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/1505

This Court Document is brought to you for free and open access by Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIIdaho Law.

Vol 1 of 2

IN THE SUPREME COURT
OF THE STATE OF IDAHO
LAW CLERK

JOSHUA R. BRADLEY

Petitioner/Appellant

VS

STATE OF IDAHO

Respondent/Respondent on Appeal

ATTORNEY FOR PETITIONER/APPELLANT
Molly Huskey

ATTORNEY FOR RESPONDENT/RESPONDENT ON APPEAL
Lawrence Wasden

SUPREME COURT DOCKET 37522-2010

Volume 1 of 1

37522

IN THE SUPREME COURT OF THE STATE OF IDAHO

JOSHUA R. BRADLEY,)	
)	
Petitioner/Appellant,	)	Supreme Court Case No.
	)	37522-2010
v.)	
)	
STATE OF IDAHO,)	
)	
Respondent/Respondent on Appeal)	
_____)	

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai.

HONORABLE FRED M. GIBLER
Magistrate Judge

Molly Huskey
State Appellate Public Defender
3647 Lake Harbor Lane
Boise, ID 83703

Attorney for Petitioner/Appellant

Lawrence Wasden
Attorney General
Statehouse, Room 210
Boise, ID 83720

Attorney for
Respondent/Respondent on Appeal

IN THE SUPREME COURT FOR THE STATE OF IDAHO

JOSHUA R. BRADLEY,

Petitioner/Appellant,

v.

STATE OF IDAHO,

Respondent/Respondent on Appeal

Supreme Court Case No.
37522-2010

CLERKS'
CERTIFICATE
OF SERVICE

I, Daniel J. English, Clerk of District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, do hereby certify that I have personally served or mailed, by United State mail, one copy of the Clerk's Record and the Reporters Transcript to each of the Attorneys of Record in this cause as follows:

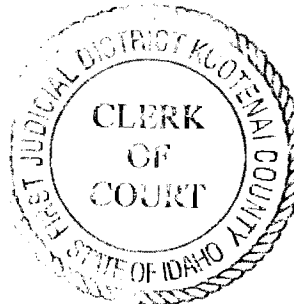
Molly Huskey
State Appellate Public Defender
3647 Lake Harbor Lane
Boise, ID 83703

Attorney for Petitioner/Appellant

Lawrence Wasden
Attorney General
Statehouse, Room 210
Boise, ID 83720

Attorney for
Respondent/Respondent on Appeal

In witness whereof, I have hereunto set my hand and affixed the seal of said Court at Kootenai County, Idaho this 20 day of April 2010.



DANIEL J. ENGLISH
Clerk of the District Court

Linda Sheldahl
Deputy Clerk

TABLE OF CONTENTS

REGISTER OF ACTIONS	1
PETITION AND AFFIDAVIT FOR POST CONVICTION RELIEF Filed November 24, 2008	3
AFFIDAVIT OF SHOW CAUSE HEARING/SUMMARY HEARING Filed November 24, 2008	10
LETTER FROM JOSHUA BRADLEY Filed April 14, 2009	13
LETTER FROM JOSHUA BRADLEY Filed April 15, 2009	14
LETTER FROM JOSHUA BRADLEY Filed April 28, 2009	15
MEMORANDUM IN SUPPORT OF DEFENDANT'S PETITION FOR POST CONVICTION RELIEF Filed August 13, 2009	16
DEFENDANT'S EXHIBIT LIST Filed August 13, 2009	23
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANT'S PETITION FOR POST CONVICTION RELIEF Filed October 9, 2009	72
OPINION RE: POST CONVICTION RELIEF Filed October 23, 2009	77
INMATE REQUEST Filed October 28, 2009	83
INMATE REQUEST Filed November 12, 2009	84
NOTICE OF APPEAL Filed November 27, 2009	85
AMENDED NOTICE OF APPEAL Filed February 10, 2010	89

NOTICE OF TRANSCRIPT LODGED

Filed March 29, 2010.....

INDEX

AFFIDAVIT OF SHOW CAUSE HEARING/SUMMARY HEARING Filed November 24, 2008	10
AMENDED NOTICE OF APPEAL Filed February 10, 2010	89
DEFENDANT'S EXHIBIT LIST Filed August 13, 2009	23
INMATE REQUEST Filed November 12, 2009	84
INMATE REQUEST Filed October 28, 2009	83
LETTER FROM JOSHUA BRADLEY Filed April 14, 2009	13
LETTER FROM JOSHUA BRADLEY Filed April 15, 2009	14
LETTER FROM JOSHUA BRADLEY Filed April 28, 2009	15
MEMORANDUM IN SUPPORT OF DEFENDANT'S PETITION FOR POST CONVICTION RELIEF Filed August 13, 2009	16
NOTICE OF APPEAL Filed November 27, 2009	85
NOTICE OF TRANSCRIPT LODGED Filed March 29, 2010	
OPINION RE: POST CONVICTION RELIEF Filed October 23, 2009	77
PETITION AND AFFIDAVIT FOR POST CONVICTION RELIEF Filed November 24, 2008	3
REGISTER OF ACTIONS	1

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANT'S PETITION
FOR POST CONVICTION RELIEF

Filed October 9, 200972

Joshua Robert Bradley, Plaintiff vs State Of Idaho, Defendant

Date	Code	User	Judge
11/24/2008	NCPC	MCCORD	New Case Filed - Post Conviction Relief
		MCCORD	Filing: 9SPC - Post Conviction Relief Filing Paid District Court Clerks by: State Receipt number: 0823561 Dated: 11/24/2008 Amount: \$.00 (Cash) For:
	ADMR	MCCORD	Administrative assignment of Judge
	PETN	MCCORD	Petition & Affd for Post Conviction Relief
	AFFD	MCCORD	Affidavit of Show Cause & Summary Hearing
	MOSC	MCCORD	Motion For Show Cause & Summary Hearing
	MOTN	MCCORD	Motion & Affd in Support for Appointment of Counsel
11/25/2008	MOTN	MCCORD	Motion & Affd for Permissiaon to Proceed on Partial Payment of Court Fees
	ORPD	HAMILTON	Subject: Bradley, Joshua Robert Order Appointing Public Defender Public defender Public Defender
	ORDR	HAMILTON	Order Granting Motion for Appointment of Counsel
12/9/2008	NOAP	SREED	Notice Of Appearance - Lynn Nelson OBO Joshua Bradley
1/21/2009	NOTE	HAMILTON	Criminal Cases stayed until these proceedings concluded, CR2007-25856 and CR08-1172
4/14/2009	LETR	SREED	Letter from Plaintiff
4/15/2009	NOTE	HAMILTON	Letter filed 4/14/09 referred to both state and defense attorneys
4/20/2009	LETD	RICKARD	Letter From Defendant
4/23/2009	NOTC	HUFFMAN	Notice of Trial Setting 8/20/09 9:00 AM
4/28/2009	LETD	HAMILTON	Letter From Defendant RE: Attorney and Proceedings.
	NOTE	HAMILTON	Copy of Letter filed 4/28/08 sent to Public Defender and KCPA for review
	NOTE	HAMILTON	Copy of Letter filed 4/20/09 sent to Public Defender and KCPA for review
5/26/2009	MOTN	PARKER	Motion for an Order Directing the Transport of the Defendant for Trial
5/28/2009	ORDR	HAMILTON	Oder for Transport of the Defendant for Trial
7/22/2009	HRSC	JOHNSEN	Hearing Scheduled (Court Trial Scheduled 08/20/2009 09:00 AM) 1/2 day
8/13/2009	MEMO	COCHRAN	Memorandum in Support of Defendant's Petition for Post Conviction Relief
	DEFX	COCHRAN	Defendant's List Of Exhibits
8/14/2009	PSRS	BAXLEY	Plaintiff's Supplemental Response To Discovery
8/17/2009	NOTC	VICTORIN	Notice of Assignment Change/Paul Szott

Date: 4/7/2010

First Judicial District Court - Kootenai County

User: SHEDLOCK

Time: 04:14 PM

ROA Report

Page 2 of 2

Case: CV-2008-0009520 Current Judge: Fred M. Gibler

Joshua Robert Bradley, Plaintiff vs State Of Idaho, Defendant

Joshua Robert Bradley, Plaintiff vs State Of Idaho, Defendant

Date	Code	User	Judge
8/17/2009	MISC	RICKARD	Plaintiff's 2nd Supplemental Response To Discovery
	SUBF	COCHRAN	Subpoena Return/found--Kenneth Lallatin--8/13/09
8/19/2009	HRSC	HAMILTON	Hearing Scheduled (Court Trial Scheduled 09/10/2009 01:00 PM)
	CONT	HAMILTON	Hearing result for Court Trial Scheduled held on 08/20/2009 09:00 AM: Continued 1/2 day
		HAMILTON	Notice of Trial
	STIP	HAMILTON	Stipulation to Continue Hearing
	ORDR	HAMILTON	Order to Continue Hearing and reset to 9/10/09 1pm
8/26/2009	SUBF	COCHRAN	Subpoena Return/found--Kenneth Lallatin--8/24/09
9/10/2009	DCHH	HAMILTON	Hearing result for Court Trial Scheduled held on 09/10/2009 01:00 PM: District Court Hearing Held Court Reporter: B CINNAMON Number of Transcript Pages for this hearing estimated: 50 PAGES
10/9/2009	MEMO	COCHRAN	Supplemental Memorandum in Support of Defendant's Petition for Post Conviction Relief
10/23/2009	CVDI	HAMILTON	Civil Disposition entered for: State of Idaho Post Conviction Relief, Other Party; Bradley, Joshua Robert, Subject. Filing date: 10/23/2009
	STAT	HAMILTON	Case status changed: Closed
	OPIN	HAMILTON	Opinion Filed
10/28/2009	KITE	SREED	Inmate Request Form
11/12/2009	KITE	RICKARD	Inmate Request Form
11/16/2009	NOTE	HAMILTON	Copy of Kite forwarded to Public Defender's office for review
11/27/2009	MOTN	HUFFMAN	Motion for Appointment of State Appellate Public Defender in Direct Appeal; Retaining Trial Counsel for Residual Purposes
	NOTC	HUFFMAN	Notice of Appeal to Supreme Court
1/8/2010	ORDR	HAMILTON	Order for Appointment of State Appellate Public Defender in Direct Appeal; Retaining Trial counsel for Residual Purposes
2/10/2010	NOTC	LEU	Amended Notice Of Appeal
3/29/2010	NOTC	SHEDLOCK	Notice Of Transcript Lodged

Inmate Name Joshua Bradley
IDOC No. 68370
Address INSE PO BOX 51
Boise, ID 83701

Petitioner

ORIGINAL

STATE OF IDAHO
COUNTY OF KOOTENAI } SS

FILED
2008 MAY 24 AM 11:03

CLERK DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

JOSHUA BRADLEY,)
)
Petitioner,)
)
vs.)
)
STATE OF IDAHO,)
)
Respondent.)
)

Case No. CJ08-9520

**PETITION AND AFFIDAVIT
FOR POST CONVICTION
RELIEF**

The Petitioner alleges:

1. Place of detention if in custody: IDAHO MAXIMUM SECURITY INSTITUTION
2. Name and location of the Court which imposed judgement/sentence: KOOTENAI COUNTY DISTRICT COURT, COEUR D'ALENE
3. The case number and the offense or offenses for which sentence was imposed:
 - (a) Case Number: 07-25856 & 08-01172
 - (b) Offense Convicted: FAIL TO REGISTER
4. The date upon which sentence was imposed and the terms of sentence:
 - a. Date of Sentence: MARCH 20th 2008
 - b. Terms of Sentence: 3 yrs Fixed 7 yrs Indeterminate

5. Check whether a finding of guilty was made after a plea:

☒ Of guilty [] Of not guilty

6. Did you appeal from the judgment of conviction or the imposition of sentence?

☒ Yes [] No

If so, what was the Docket Number of the Appeal? 35171 & 35208

7. State concisely all the grounds on which you base your application for post conviction relief: (Use additional sheets if necessary.)

(a) THERE EXISTS EVIDENCE OF FACTS NOT PREVIOUSLY PRESENTED THAT WOULD REQUIRE VACATION OF CONVICTION

(b) INEFFECTIVE ASSISTANCE OF COUNSEL

(c) VALIDITY OF CONVICTION, SENTENCE THAT WAS IMPOSED

8. Prior to this petition, have you filed with respect to this conviction:

a. Petitions in State or Federal Court for habeas corpus? NO

b. Any other petitions, motions, or applications in any other court? YES

c. If you answered yes to a or b above, state the name and court in which each petition, motion or application was filed:

MOTION TO DISMISS

MOTION TO WITHDRAW GUILTY PLEA

9. If your application is based upon the failure of counsel to adequately represent you, state concisely *and in detail* what counsel failed to do in representing your interests:

(a) COUNSEL FAILED TO PROPERLY INFORM DEFENDENT
OF IDAHO SEXUAL OFFENDER REGISTRATION ACT 18-8301 I.C.

(b) THERE WAS A LANGUAGE BARRIER, OR LACK OF
COMMUNICATION BETWEEN COUNSEL & DEFENDENT

(c) _____

10. Are you seeking leave to proceed in forma pauperis, that is, requesting the proceeding be at county expense? (If your answer is "yes", you must fill out a Motion to Proceed in Forma Pauperis and supporting affidavit.)

☒ Yes [] No

11. Are you requesting the appointment of counsel to represent you in this case? (If your answer is "yes", you must fill out a Motion for the Appointment of Counsel and supporting affidavit, as well as a Motion to Proceed In Forma Pauperis and supporting affidavit.)

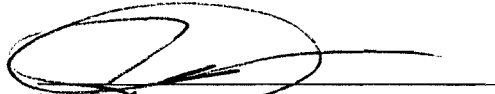
☒ Yes [] No

12. State specifically the relief you seek:

TO BE RELIEVED OF SAID CONVICTION / SENTENCE


13. This Petition may be accompanied by affidavits in support of the petition. (Forms for this are available.)

DATED this 18 day of November, 2008.

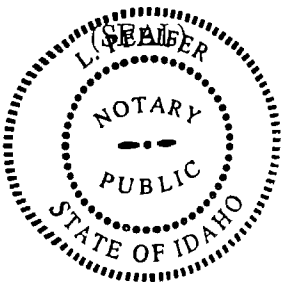

Petitioner


STATE OF IDAHO)
) ss
County of KOOTENAI)

JOSHUA BRADLEY, being sworn, deposes and says that the party is the
Petitioner in the above-entitled appeal and that all statements in this PETITION FOR POST
CONVICTION RELIEF are true and correct to the best of his or her knowledge and belief.


Petitioner

SUBSCRIBED AND SWORN and AFFIRMED to before me this 18th day of
November, 2008.





Notary Public for Idaho
Commission expires: 05/11/2012

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 18 day of November, 2008, I mailed
a copy of this PETITION FOR POST CONVICTION RELIEF for the purposes of filing with the
court and of mailing a true and correct copy via prison mail system to the U.S. mail system to:

KOOTENAI County Prosecuting Attorney
PO Box 9000
Coeur d'Alene, ID 83816-9000


Petitioner

AFFIDAVIT OF FACTS IN SUPPORT OF POST-CONVICTION PETITION

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

JOSHUA BRADLEY, being first duly sworn on oath, deposes and says:

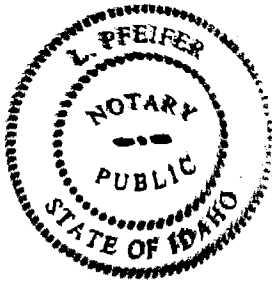
ON MARCH 20th 2008, THE DEFENDENT WAS FOUND GUILTY OF
(2) TWO COUNTS OF FAILURE TO REGISTER. HOWEVER, UPON
SENTENCE IT HAS COME TO THE ATTENTION OF THE DEFENDENT THAT
COUNSEL HAD FAILED TO ADVISE DEFENDENT OF 18-8301 I.C. &
ITS PROVISIONS. THE DEFENDENT AT THE TIME OF CONVICTION, WAS
REGISTERED UNDER OFFENSE CODE 18-6101.1, WHICH IS EXCLUDED
FROM THE PROVISIONS OF SAID CHAPTER, THUS NO OTHER OFFENSE
CODE IS DEEMED EQUIVALENT. THE DEFENDENT ALSO ASSENTS THAT
THE CURRENT OFFENSE CODE FOR WHICH HE IS NOW SENTENCED
UNDER IS INCORRECT, THUS BEING 18-8301, HOWEVER WHICH SHOULD'VE
BEEN 18-8311 I.C. (PENALTIES & PUNISHMENTS). IN CONCLUSION THE
OFFENSE CODE FOR WHICH THE DEFENDENT IS/WAS REGISTERED UNDER,
& DOCUMENTED AS 18-6101.1 FOR THE PAST 10 YEARS IN IDAHO,
THE DEFENDENT RESPECTFULLY ASKS,

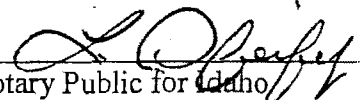
- A. why was he required to register
B. why were charges of failure to register brought
against this defendant.

Further your affiant sayeth not.


Signature of Affiant

SUBSCRIBED AND SWORN AND AFFIRMED TO before me this 18 day of
November, 2008.




Notary Public for Idaho
My Commission Expires: 05/11/2012

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED

Joshua Bradley
Full Name/Prisoner Name

IDOC No. 62370

INST

PO BOX 51

BOISE ID

Complete Mailing Address

ORIGINAL

2008 NOV 24 AM 11:03

CLERK OF DISTRICT COURT

DEPUTY

lee

Signature

IN THE DISTRICT OF THE 1st JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF KOOTENAI

JOSHUA R. BRADLEY,

Plaintiff/~~Petitioner~~,

vs.

STATE OF IDAHO

Defendant/~~Respondent~~.

Case No. CU08-9520

AFFIDAVIT OF
SHOW CAUSE Hearing /
Summary Hearing

STATE OF IDAHO)
) ss
County of KOOTENAI)

JOSHUA BRADLEY, after first being duly sworn upon his/her oath, deposes
and says as follows: THAT IN ACCORDANCE WITH 18-8321 IC
& UNDER THE SEXUAL OFFENDER REGISTRATION ACT, THE
ABOVE PETITIONER MOVES THIS COURT FOR A SUMMARY
HEARING, IN A CHALLENGE TO THE DESIGNATION AS A
VSP (Violent Sexual Predator). And Those grounds are:

AFFIDAVIT OF Summary HEARING - pg. 1
Revised 10/24/05

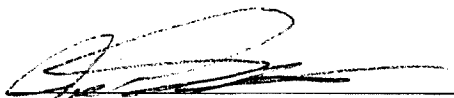
A) Evidence exists, that the calculation of time that lead to the Designation as a VSP, has been incorrectly performed due to: 1) Factual error(s) 2) Petitioner disputes prior offense due to variable factors being determined.

B) Evidence that the petitioner does not properly encapsulate this specific case

C) Evidence that the petitioner is determined a VSP from his originating offense & State of conviction, ~~and~~ as the designation is heavily rested on those guidelines & not the state of Idaho


Further your affiant sayeth naught.

DATED This 18 day of November, 2008.


Signature

SUBSCRIBED AND SWORN To before me this 18th day of NOVEMBER, 2008.





Notary Public for Idaho
Commission expires: 05/11/2012

AFFIDAVIT OF Summary of Heavily - pg. 2
Revised 10/24/05

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the day of November 2008, I
mailed a true and correct copy of Affidavit of Summary AFFIDAVIT via prison
Hearing
mail system for processing to the U.S. mail system to:

Kootenai County prosecutor
P.O. Box 9000 Coeur d'Alene ID, 83816
Kootenai County Court
324 W. Garden Ave, Coeur d'Alene ID 83816


Signature

Attorney General's Office
Hon. Judge Fred Gibb
324 W. Garden Ave
Coeur d'Alene, ID 83814

STATE OF IDAHO
COUNTY OF MOONVALLEY
FILED: 2009 4/14/09
AT 10:00 O'CLOCK AM
CLERK, DISTRICT COURT
Cristian Reed
DEPUTY

CV09-9570

Dear Mr. Gibb,

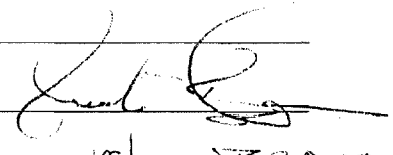
Currently, I have a civil matter pending in District Court. This letter is in regards to the Post-Conviction proceeding. I haven't heard any response from my Attorney since January, when a status conference was held regarding Motions on my (2) two criminal cases.

It is my understanding that a motion requesting my appearance on the Post-Conviction was filed some time ago, however I have not been updated on the current status with that from my attorney. So I am unaware of my current position at this time.

I am requesting the status on my civil matter, will I be present if a trial takes place? Will there be a trial? What is my current position as of now? I don't expect to hear from you personally, but all hope is resting upon my attorneys' hands.

Please respond, or have my lawyer bring me up to date on everything. I look forward to hopefully meeting with you soon.

Respectfully & Sincerely,



Joshua B. Bland #6832
JMS B-BLAK
PO Box 51
Boise ID 83707

4/15/09 -
COPIES BY Intro office to
PA. Lynn Nelson
KCPA

013

Kootenai County Dist. Court.
324 W. Garden Ave.
Coeur d'Alene, ID 83814

STATE OF IDAHO } SS
COUNTY OF KOOTENAI
FILED: 4-20-09
AT 10:00 O'CLOCK AM
CLERK DISTRICT COURT
Deputy

April 15th
2009

CV08-9520

CV 2008-9520

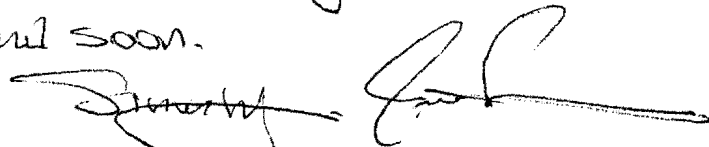
My name is Joshua R. Bradley. Currently,
I have a post-conviction pending in Kootenai County.
However due to lack of communication from my
lawyer, I am unaware of it's status. I am also
unaware of the case # that is assigned.

I have some motions that I need to file
to concern with the post-conviction. So, I will need
that case #.

I will be motioning to proceed *pro se*,
(Representing myself), & at the same time, to grant
Order of transport to appear in the proceedings.

I need the case # for said post-conviction.
I also need any copies of any responses that
were filed. Per I.C.R. The state has 20 or 30
days to respond. I need to know if this has
taken place, in reference to my post-conviction.

Please respond soon.



Josh Bradley #68570
IMSI B. Block
P.O. Box 51
Boise ID 83707


IMSI - INDIGENT PAPER

4/28/09 Copies to:
Public Defender - Ints office mail
KORA - Ints office mail

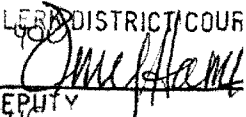
Judge Gibler,

CV-2008-9520

22nd

2009 STATE OF IDAHO
COUNTY OF KOOTENAI
FILED: 

2009 APR 28 PM 4:

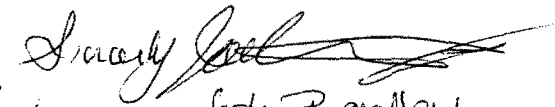
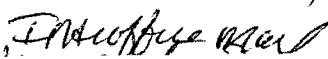
CLERK DISTRICT COURT

DEPUTY

Greetings your honor. I am writing to inform
of a few things that may be taking fold in the near
future. Currently, I have post-conviction pending in
District Court. However I have not heard any response
from my lawyer on that matter, nor the two(2) Criminal
cases whereas, I filed a motion to withdraw plea & Dismiss.
The last I heard, was back in January, regarding a status
conference, however, you didn't rule on those two(2) motions.

According to I.C.R. state must file a Response
to my post conviction in a time consisting of 30 days.
I have heard no Response. Also, if you intend to dismiss
my application for whatever Reason, you must give me 20 days
to respond. In either case, I have not been informed, by the court or
my lawyer.

I am terminating my lawyer. He has not contacted me
& I am unaware of the status. so following this letter will be
a motion to dismiss Mr. Nelson & to proceed on Pro Se. At least
until I can find a lawyer. I will also be Motivating for
an evidentiary hearing & a request for transport so that I may
attend that hearing, & any proceeding thereof.

Please be aware of my current situation. I am
w/o a lawyer & very little experienced in the law. so maybe
a lawyer can represent me at a latter time. I have asked the
clerk's office for copy of RoA. I need the case #.

4/28/09 Copied Best of wishes, Sincerely 
Public Defender,  Inc. Rimmon

015

ORIGINAL

Paul J. Szott, Deputy Public Defender
Office of the Kootenai County Public Defender
PO Box 9000
Coeur d'Alene, Idaho 83816
Phone: (208) 446-1700; Fax: (208) 446-1701
Bar Number: 4523

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED:

2009 AUG 13 PM 2:42

CLERK DISTRICT COURT
Laacy Carhage
DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CV-08-0009520
	)	Post Conv
V.)	
	)	MEMORANDUM IN SUPPORT OF
JOSHUA ROBERT BRADLEY,	)	DEFENDANT'S PETITION FOR POST
	)	CONVICTION RELIEF
Defendant.)	
)	

COMES NOW, the above named defendant by and through his attorney, Paul J. Szott, Deputy Public Defender, and hereby submits the following Memorandum in Support of his Petition and Affidavit for Post Conviction Relief, previously filed with this Court.

I. ISSUES PRESENTED

- A. Was the defendant required to register as a sex offender in Idaho pursuant to I.C. 18.8304?
- B. Was the defendant properly transferred to the Adult Sex Offense Registry?

II. STATEMENT OF CASE

On March 20, 2008, Joshua R. Bradley was sentenced on Two (2) counts of Failure to Register as a Sex Offender, felonies, under Idaho Code section 18-8309. Defense Exhibits 11 and 12, ROAs. In State v. Bradley, F07-25856, the court imposed a unified sentence of Five (5)

years with Three (3) years fixed and concurrent with State v. Bradley, F08-1172.. Defense Exhibit 6, Judgment and Sentence, F07-25856. The offense date for this offense was November 2, 2007. In State v. Bradley, F08-25856, the court imposed a unified sentence of Ten (10) years with Three (3) years fixed and concurrent with the sentence in State v. Bradley, F07-25856. Defense Exhibit 7, Judgment and Sentence, F08-25856. The offense date for this offense was January 16, 2008. The underlying sex offense that presumably gave rise to the requirement to register was a 1996 juvenile conviction in Washington State. Mr. Bradley at the age of Fifteen (15) years admitted to the offense of Rape of a Child First Degree. The offense date was August 13 – 15, 1996. Defense Exhibit 1, Order of Disposition/JRA.

Mr. Bradley registered as a sex offender in Washington State after release from detention. In July of 1999, Mr. Bradley moved to Kootenai County Idaho. He registered under the juvenile sex offender registry. Defense Exhibit 2, Idaho Sex Offender Registry Annual Registration Form, July 12, 1999. This document denotes the sex offense listed in I.C. section 18-8304 as “Rape 18-6101 1”.

Mr. Bradley turned Twenty-one (21) years of age on October 13, 2001. On July 15, 2002 Judge John P. Luster signed an Order to Waive Hearing and Transfer Offender to the Adult Sex Offender Registry Pursuant to I.C. 18-8410. This order’s case number is CV 02-6937. CV 02-6937 was not opened until October 8, 2002. Defense Exhibit, 10, POA. This order was filed on October 15, 2002. Defense Exhibit 3, Order. Mr. Bradley signed, without the assistance of counsel, a document titled Stipulation & Order to Waive Hearing & Transfer Offender to the Adult Sex Offender Registry Pursuant to I.C. 18-8410 on August 26, 2002. This document was filed in CV 02-6937 on October 8, 2002. Defense Exhibit 4, Stipulation. Mr. Bradley continued

to register under the adult registry as evident from multiple Idaho Sex Offender Registry Notification and Annual Registration forms until the beginning of 2008. Defense Exhibit 5, Forms. These documents all denote the sex offense listed in I.C. section 18-8304 as "Rape 18-6101 1".

Mr. Bradley filed a Petition and Affidavit for Post Conviction Relief, case number CV 08-9520, on November 24, 2008. The petition challenges the validity of the sentence and asserts ineffective assistance of counsel.

III. ARGUMENT

The Uniform Post-Conviction Procedure Act, Idaho Code 19-4901(a) provides in part:

Any person who has been convicted of, or sentenced for, a crime and who claims:

- (1) That the conviction or the sentence was in violation of the constitution of the United states or the constitution or laws of this state; ...
- (4) That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice; ...
- (7) That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding, or remedy: may institute, without paying a filing fee, a proceeding under this act to secure relief.

A claim of ineffective assistance of counsel may be brought under the Post Conviction Procedure Act. *Murray v. State*, 121 Idaho 918 (1992). In *State v. Doe*, 136 Idaho 427 (2001), the court held that a post-conviction proceeding is the best and most appropriate method to create an evidentiary record that is adequate to evaluate an ineffective assistance of counsel claim. In

addition, Idaho Criminal Rule 33(c) provides in part that "... but to correct a manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw defendant's guilty plea."

Mr. Bradley asserts that due to ineffective assistance of counsel a legal issue was missed by counsel, this being that the underlying sex offense conviction in Washington State did not require registration under I.C. 18-8304. Specifically, I.C. 18-8304(1)(a) excludes convictions for 18-6101 1. (Commonly known as statutory rape.)

A. Was the defendant required to register as a sex offender in Idaho pursuant to I.C 18.83?

I.C. 18-8304(1)(a) and (1)(b) requires that any person convicted of a crime enumerated in this statute or an substantially equivalent offense in another state must register as a sex offender. However, I.C. 18-8304(1)(a) specifically excludes convictions under I.C. 18-6101 1 were the defendant is eighteen years of age or younger. Mr. Bradley was Fifteen (15) years of age when he committed Rape of a Child 1st Degree in Washington State in 1996. Defense Exhibit 1.

Mr. Bradley upon moving to Idaho in July of 1999 registered as a juvenile sex offender. As is evident by Defense Exhibit 2, Idaho Sex Offender Registry Annual Registration Form, dated July 12, 1999, on page 2, Mr. Bailey was registering for having committed a violation of I.C. 18-6101 1. A conviction for violation of I.C. 18-6101 1 when eighteen years of age or younger does not require registration pursuant to Idaho law.

B. Was the defendant properly transferred to the Adult Sex Offense Registry?

On October 13, 2001 Mr. Bradley turned 21 years of age. On October 8, 2002 a complaint was filed under St. v. Bradley, CV 2002-6937 presumably requesting transfer of the defendant from the juvenile to adult registry. Defense Exhibit 10, ROA. Defense counsel is not in possession of a copy of the original complaint or petition. On July 15, 2002 Judge John P. Luster signed an Order to Waive Hearing and Transfer Offender to the Adult Sex Offender Registry Pursuant to I.C. 18-8410. Defense counsel is unaware of any hearing or stipulation which preceded the July 15, 2002 date. I.C. 18-8410 Transfer to Adult Registry, provides that when an offender reaches 21 years of age the prosecutor may petition the court to transfer offender to the adult registry. This statute further requires that the court must, at a hearing, find that the juvenile sex offender is likely to pose a threat to the safety of others. Failure to petition or if the court determines that the juvenile is not likely to pose a threat to the safety of others, the juvenile shall be deleted from the registry. Judge Luster's order dated July 15, 2002 is titled with case number CV 02-6937. CV 02-6937 was not opened until October 8, 2002. Defense Exhibit, 10, POA. This is approximately Three (3) months after the order was signed. This order was filed on October 15, 2002. Defense Exhibit 3, Order. Mr. Bradley signed, without the assistance of counsel, a document titled Stipulation & Order to Waive Hearing & Transfer Offender to the Adult Sex Offender Registry Pursuant to I.C. 18-8410 on August 26, 2002. This document was filed in CV 02-6937 on October 8, 2002. Defense Exhibit 4, Stipulation. Nowhere in this document is there language ordering a transfer or incorporating by reference the July 15, 2002 Order.

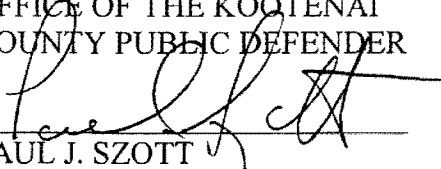
As is evident from these documents and records Judge Luster signed a transfer order prior to a stipulation by Mr. Bradley. The subsequent document titled Stipulation & Order to Waive Hearing & Transfer Offender to the Adult Sex Offender Registry Pursuant to I.C. 18-8410 did not order a transfer. The State did not comply with I.C. 18-8410 and therefore, Mr. was not required to register under the adult registry.

Mr. Bradley continued to register under the adult registry as is evident from multiple Idaho Sex Offender Registry Notification and Annual Registration forms until the beginning of 2008. Defense Exhibit 5, Forms. These documents all denote the sex offense listed in I.C. section 18-8304 as "Rape 18-6101 1". Again this is a crime for which an offender does not have to register as a sex offender in Idaho. If the court finds that Mr. Bailey was required to register as a juvenile in Idaho, he was improperly transferred to the adult registry pursuant to I.C. 18-8410 and therefore was not required to register.

IV. CONCLUSION

Mr. Bradley was not required to register as a sex offender under Idaho Law, therefore, his convictions and sentences for failure to register as a sex offender are unlawful. In the interest of justice Mr. Bradley's sentences should be vacated or in the alternative his guilty pleas withdrawn.

DATED this 13th day of August, 2009.

OFFICE OF THE KOOTENAI
COUNTY PUBLIC DEFENDER
BY: 
PAUL J. SZOTT
DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 13 day of August, 2009, addressed to:

Kootenai County Prosecutor

Kristi Morton

ORIGINAL

Paul J. Szott, Deputy Public Defender
Office of the Kootenai County Public Defender
PO Box 9000
Coeur d'Alene, Idaho 83816
Phone: (208) 446-1700; Fax: (208) 446-1701
Bar Number: 4523

STATE OF IDAHO }
COUNTY OF KOOTENAI } SS
FILED:

2009 AUG 13 PM 2:43

CLERK DISTRICT COURT

Tracy Carter
DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

STATE OF IDAHO,)	
	)	CASE NUMBER CV-08-0009520
Plaintiff,	)	Post Conv
)	
V.)	
	)	DEFENDANT'S EXHIBIT LIST
JOSHUA ROBERT BRADLEY,)	
)	
)	
Defendant.)	

The defendant will offer the following exhibits at trial, although not necessarily in the same order as listed.

<u>Defense Exhibit #</u>	<u>Description</u>
1	Order of Disposition/JRA, St. of Washington v. Bradley, 96-8-1275-4.
2	Idaho Sex Offender Registry Annual Registration Form, July 12, 1999.
3	Order to Waive Hearing and Transfer Offender to the Adult Offender Registry.
4	Stipulation and Order to Waive Hearing & Transfer Offender to Adult Sex Offender Registry.
5	Idaho Sex Offender Registry Notification and Annual Registration forms.
6	Judgment and Sentence, St. of Idaho v. Bradley, F07-25856.
7	Judgment and Sentence, St. of Idaho v. Bradley, F08-1172.
8	Petition and Affidavit for Post Conviction Relief. St. of Idaho v. Bradley, CV08-9520.

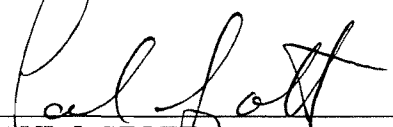
- 9 Register of Actions, St. v. Bradley, CV 08-9520.
- 10 Register of Actions, St. v. Bradley, CV 02-6937.
- 11 Register of Actions, St. v. Bradley, CR 08-1172.
- 12 Register of Actions, St. v. Bradley, CR 07-25856.

The Defendant herein, in addition to the above listed exhibits, if any, that have been disclosed as potential exhibits by the State in State v. Joshua Bradley, F08-1172/F07-25856, and any other exhibits who were named by the State within other discovery materials.

DATED this 13th day of August, 2009.

OFFICE OF THE KOOTENAI
COUNTY PUBLIC DEFENDER

BY:


PAUL J. SZOTT
DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 13 day of August, 2009, addressed to:

Kootenai County Prosecutor



RECEIVED FOR FILING
KITSAP COUNTY CLERK

JAN 16 1997

ROBERT L. FREEDENSTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

IN REFERENCE TO:

JOSHUA BRADLEY
(Use Juvenile's Full Name, No Initials)
dob: 10-13-80

CASE NO. 96-8-1275-4
ORDER OF DISPOSITION/JRA
(ORD. ORCMT)

I. HEARING

- 1.1 On the 20 day of November, 1996, the juvenile, was found guilty by
(plea) (court verdict) of the following:

OFFENSE, RCW CITATION

OFFENSE DATE

Count I 1st Rape of Child 9A.44.073

Aug 13-15, 1996

Count II _____

Count III _____

Upon the motion of the State, Count(s) _____ was/were orally amended to reflect the offense(s) of: _____

Upon the motion of the State, Count(s) _____ was/were dismissed with/without prejudice.

- 1.2 A disposition hearing in this case was held on the 16 day of January, 1997, at which the juvenile and the following persons were present:

Juvenile's Lawyer: Wid
Deputy Prosecuting Attorney: Hazelmiller
Juvenile Court Services Officer: Bellmore
Others: Victim & parents

Scanned 01/23/2009 01:11

1.3 Testimony was taken from the following persons: _____

II. FINDINGS

2.1 The Court has jurisdiction over the parties and the subject matter of this action.

2.2 The juvenile is guilty of the crimes set forth in Paragraph 1.1 above.

2.3 RESTITUTION

☐ No restitution appears to be due in this case.

☐ The juvenile has agreed to pay restitution to victims of offenses not prosecuted. Said restitution is in the amount of _____/in an amount to be determined, payable by cash, personal check, money order or certified check through the Clerk of the Court at the Kitsap County Courthouse, 614 Division, MS-34, Port Orchard, Washington 98366-4676 to be disbursed to: _____

☒ The juvenile shall make restitution in the amount of _____/in an amount to be determined, payable by cash, personal check, money order or certified check through the Clerk of the Court at the Kitsap County Courthouse, 614 Division, MS-34, Port Orchard, Washington 98366-4676 to be disbursed to:

Yo Alida Sizemore
5131 Pine Lake Blvd

2.4 STATUS

The juvenile is a Middle offender.

2.5 MITIGATING FACTORS

☒ None.

☐ The juvenile has no prior criminal history.

☐ There has been more than one (1) year between the juvenile's current offense(s) and any prior criminal offense(s).

- ☐ The juvenile's conduct neither caused nor threatened serious bodily injury or the juvenile did not contemplate that his/her conduct would cause or threaten serious bodily injury.
- ☐ The juvenile acted under strong and immediate provocation.
- ☐ The juvenile was suffering from a mental or physical condition that significantly reduced his/her culpability for the offense though failing to establish a defense.
- ☐ Prior to his/her detection, the juvenile compensated, or made a good faith attempt to compensate, the victim for the injury or loss sustained.
- ☐ _____

2.6 AGGRAVATING FACTORS

- ☒ None.
- ☐ There has been less than one (1) year between the juvenile's current offense(s) and any prior criminal offense(s).
- ☐ In the commission of the offense, or in flight therefrom, the juvenile inflicted or attempted to inflict serious bodily injury to another.
- ☐ The offense was committed in an especially heinous, cruel, or depraved manner.
- ☐ The victim or victims were particularly vulnerable.
- ☐ The juvenile has a recent criminal history or has failed to comply with conditions of a recent Dispositional Order or Diversion Agreement.
- ☐ The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.
- ☐ The juvenile was the leader of a criminal enterprise involving several persons.
- ☐ There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.
- ☐ _____

III. ORDERS

IT IS HEREBY ORDERED that:

- [] Count(s) _____ of the (Amended) Information filed herein shall be, and hereby is/are, dismissed with/without prejudice.
- [] Count(s) _____ of the (Amended) Information shall be, and hereby is/are amended to reflect the offenses of: _____

- 3.1 The juvenile shall be, and hereby is, committed to the Department of Social and Health Services, Juvenile Rehabilitation Administration, for a period of not less than 52 wks nor more than 105 wks.
- 3.2 Said commitment shall commence immediately following these proceedings, and the juvenile shall be given credit for 5 days already served.
- 3.3 The Department of Social and Health Services, Juvenile Rehabilitation Administration, is hereby granted the authority to consent to any necessary medical, dental, surgical or anesthesiological care.
- 3.4 The juvenile shall have joint and several responsibility for restitution as designated in Paragraph 2.3. Further, restitution shall be made at a rate and in a manner set by the Juvenile Rehabilitation Administration and/or the juvenile's supervising probation/parole officer.
- 3.5 The juvenile shall contribute seventy-five dollars (\$75.00)/one hundred dollars (\$100.00) to the Crime Victims Compensation Fund.
- [☒] The juvenile shall make a cash contribution, payable by cash, personal check, money order or certified check, through the Clerk of the Court at the Kitsap County Courthouse, 614 Division, MS-34, Port Orchard, Washington 98366-4676, at a rate and in a manner set by the Juvenile Rehabilitation Administration and/or the juvenile's supervising probation/parole officer, OR
- [☒] The juvenile shall perform 30 hours of community service work in lieu of a cash contribution, at a rate and in a manner set by the Juvenile Rehabilitation Administration or the juvenile's supervising probation/parole officer.
- 3.6 The juvenile shall forfeit any and all interest he/she has in the following:
- [] Firearms: _____
- _____ pursuant to RCW 9.41.098; and/or

[] Materials, projects, equipment, vehicles, money, etc.: _____

pursuant to RCW 69.50.505; and/or

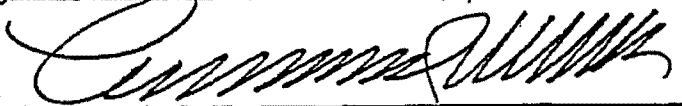
[] Other: _____

3.7 The juvenile shall have no contact with: _____

3.8 Juvenile must register as sex offender by release
from JRA

It is further ORDERED that any bail, bond and/or conditions of personal recognizance are hereby exonerated.

DATED AND SIGNED this 11 day of JAN, 1997


JUDGE/COURT COMMISSIONER Kause

IV. WARRANT OF COMMITMENT

THE STATE OF WASHINGTON

TO: The Sheriff of Kitsap County, and to the proper officers of the Department of Social and Health Services

The juvenile, Joshua Bradley, has been convicted in the Superior Court of the State of Washington of the offenses of:

Count I 1st Rape of Child

Count II _____

Count III _____

and the Court has ordered that the juvenile be punished by serving not less than 52 WKS nor more than 65 WKS weeks within the Division of Juvenile Rehabilitation.

ORDER OF DISPOSITION/JRA (ORD.ORCMT) - 5

Revised 01/18/94

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the juvenile to the proper officers of the Department of Social and Health Services; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, are commanded to receive the juvenile for classification, confinement and placement, as ordered in the Order of Disposition.

DATED AND SIGNED this 16 day of JAN, 1997

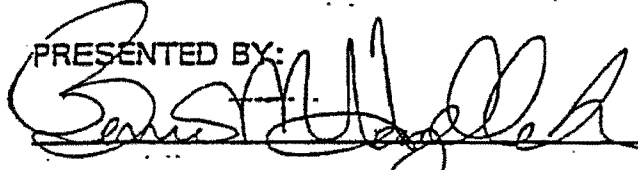
By direction of the Honorable:


JUDGE/COURT COMMISSIONER

ROBERT L. FREUDENSTEIN,
County Clerk and ex-Officio
Clerk of the Superior Court

By: _____ Deputy

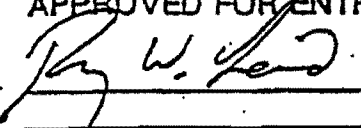
PRESENTED BY:


Deputy Prosecuting Attorney

WSBA # 2224


Court Services Officer

APPROVED FOR ENTRY:


Attorney for Juvenile

WSBA # 2507

COPY RECEIVED:


Juvenile

Juvenile's Parent/Guardian

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JUVENILE DEPARTMENT

The State of Washington

vs

No.

96-8-01275-4

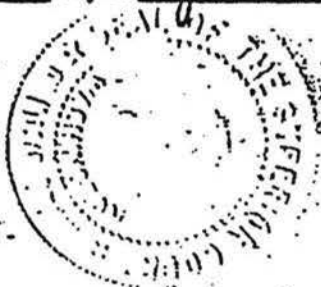
Joshua Bradley

FINGERPRINTS



CERTIFICATE

I, Robert L. Freudenstein, County Clerk and Clerk of the Superior Court of the State of Washington, in and for the County of King, do hereby attest that the fingerprints above are the fingerprints of the offender's right hand, and were affixed by the said offender, Joshua Bradley, on the 16th day of January, 1997.



ROBERT L. FREUDENSTEIN,
County Clerk and ex-Officio
Clerk of the Superior Court

By:

Barbara P. Willis

Deputy

031

RECEIVED

JUL 19 1999

OLE/BCI
SORIDAHO SEX OFFENDER REGISTRY
LOCAL/ANNUAL REGISTRATION FORM SOR-2Now
Processed by:
7-22-99
SX 01914

Section I

(Please Type or Print - Black Ink)

1. Adult <input type="checkbox"/> Juvenile <input checked="" type="checkbox"/>	2. Annual Registration <input checked="" type="checkbox"/> Change of Address <input type="checkbox"/>	3. Previously registered in another State? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, list State(s): WA	4. Idaho Sex Offender Registry No. 8002419
5. Name: BRADLEY, JOSHUA ROBERT Last First Middle		6. Date of Birth: 10-13-80 MM/DD/YY	7. Place of Birth (city, state): LONG BEACH, CA
8. Sex: M	9. Race: W	10. Height: 6' 01"	11. Weight: 210
12. Eyes: BLU	13. Hair: BRO	14. SSN: [REDACTED]	
15. Aliases: NONE			
16. Scars/Marks/Tattoos: NONE			
17. Where Offender Resides or Will Reside: (Full Street Address or description of residence) 10610 N TIBERIDGE RD			
18. City: RATHDRUM	19. State: ID	20. ZIP: 83858	21. County: KOOTENAI
22. Telephone: (208) 687-1403			
23. How long has residence been at above address: 1 DAY		24. If moving to above address, give effective date of move:	
25. Occupation: _____		Employer: UNEMPLOYED Employer's address: _____	
26. Enrolled in a school, college or university? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If Yes, Provide name and location: _____	
27. Current Status: On Probation <input type="checkbox"/> On Parole <input checked="" type="checkbox"/> No supervision <input type="checkbox"/>		28. Probation/Parole Officer: DAVID MCCLOUGH	
		29. Violent Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section II

Is this the offender's first annual registration under the sex offender registry laws enacted in 1998?
Is this the offender's first annual registration in Idaho after moving from another State or jurisdiction?
Has the offender been convicted of a sex offense since last annual registration?

Yes ☒ No ☐
Yes ☒ No ☐
Yes ☐ No ☒

If the answer is "yes" to any question, the offender must also complete SOR-3, the addendum to this registration form. All annual registrations in 1998 must include a completed SOR-3.

Section III

Under penalty of law, I certify that the information transcribed to complete this form is correct and complete.

Signature of Registering Officer: _____

Date: 7/12/99

Signature of Juvenile's Parent or Guardian: _____

Date: _____

Original (white) Copy to
Department of Law Enforcement
P.O. Box 700
Meridian ID 83680-0700

One Copy Each to
Agency File (yellow)
Offender (pink)

Registering Official:
(print)

SUSIE SCHORZMAN

Official's Signature: _____

Date: 07-12-99

07-12-99

Agency:

KOOTENAI COUNTY SHERIFF

Address:

PO BOX 9000

City, ZIP:

COEUR D ALENE, 83816

Telephone:

208-769-4466

The complete registration packet for submission to the central registry includes two FBI FD-249 fingerprint cards and a photograph, in addition to this form. If any question is answered "yes" in Section II, a form SOR-3 must also be included.

DEFENDANT'S
EXHIBIT
2

RECEIVED

JUL 19 1999

OLE/BCI
SOR

IDAHO SEX OFFENDER REGISTRY

LOCAL/ANNUAL REGISTRATION FORM

ADDENDUM SOR-3

Section I

(Please Type or Print - Black Ink)

Adult <input type="checkbox"/> Juvenile <input checked="" type="checkbox"/>	Name: <u>BRADLEY, JOSHUA ROBERT</u> Last First Middle	Date of Birth: <u>MM/DD/YY</u>	SSN: <u> </u>
--	--	--------------------------------	----------------------------------

Offense Information

Sex Offense listed in Sec. 18-8304, I.C., or equivalent offense committed in another state or jurisdiction or by a juvenile.	Location of Offense /Crime (include year)	Location of court where offender pled guilty or was found guilty.	Offender's name at time of guilty plea or verdict.	Name & location of hospital, jail, or penal facility.
1 RAPE 18-6101 1	KITSAP WA 1996	KITSAP, WA	BRADLEY, JOSHUA	NASELE, WA
2				
3				
4				
5				
6				
7				

Use additional forms if necessary

Section II

(Offender must initial each statement, sign and date)

Registration requirements pursuant to Chapter 83 and Chapter 84, Title 18, Idaho Code:

- ☒ You must, within ten (10) days of coming into a county to establish residence or temporary domicile, register in person with the sheriff of the county, and shall thereafter, within ten (10) days of notification, register annually in person.
- ☒ You must, within five (5) days of changing your residence within a county, provide written notice of the new address to the sheriff of the county where you are required to register.
- ☒ If you move to another State, you must provide written notice of the new address to the Idaho Department of Law Enforcement within five (5) days after the move. You must register in the other State within the time period that its statutes require, but not to exceed ten (10) days.
- ☒ Between annual registrations, any adult offender designated by the Sexual Offender Classification Board as a violent sexual predator is required to respond to the department's quarterly address confirmation notice within ten (10) days of its mailing.
- ☒ An adult offender subject to registration who fails to register or provide any notice required by law is guilty of a criminal offense punishable by imprisonment in the state prison system for a period not to exceed five (5) years and by a fine not to exceed five thousand dollars (\$5,000).
- ☒ A juvenile offender subject to juvenile registration who fails to register or provide any notice required by law is guilty of a misdemeanor criminal offense. The parent or guardian of a juvenile offender may be charged with the misdemeanor offense of failure to supervise a ☒ if the juvenile offender fails to register or provide required notice.
- ☒ If you are on probation or other supervised release or suspension from incarceration at the time of violation, the probation or supervised release shall be revoked and the penalty for violating the registry law shall be served consecutively to the offender's original sentence.

I have read or have had read to me the above requirements. It has been explained to me and I understand my duty to register and that failure to do so is a criminal offense.

Signature of Registering Offender: [Signature]Date: 7/12/99Signature of Juvenile's Parent or Guardian: [Signature]Date:

Original (white) Copy to
Department of Law Enforcement
P.O. Box 700
Meridian ID 83680-0700

One Copy Each to
Agency File (yellow)
Offender (pink)

Registering Official:
(print)

SUSIE SCHORZMAN

Official's Signature: [Signature]Date: 07-12-99

Agency:

KOOTENAI COUNTY SHERIFF

Address:

PO BOX 9000

City/ZIP:

COEUR D ALENE, 83816

Telephone:

769-4466

WILLIAM J. DOUGLAS
Prosecuting Attorney
501 Government Way/Box 9000
Coeur d' Alene, ID 83816-9000
Telephone: (208) 769-4465

STATE OF IDAHO
COUNTY OF KOOTENAI

FILED

OCT 15 1 53 PM '02

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,

Plaintiff,

vs.

JOSHUA ROBERT BRADLEY,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CV 02-6937


ORDER TO WAIVE HEARING
AND TRANSFER OFFENDER TO
THE ADULT SEX OFFENDER
REGISTRY PURSUANT TO
I.C. 18-8410

The Court having before it the above motion, and based on the stipulation of the parties and good cause appearing now, therefore:

IT IS ORDERED THAT the delinquent act committed by Joshua R. Bradley in Kitsap County, Washington case number 96-8-1275-4 (First Degree Rape of a Child) shall be deemed an adult criminal conviction for the purpose of registration, notification, and public information access pursuant to chapter 83, title 18, Idaho Code.

IT IS FURTHER ORDERED THAT Joshua R. Bradley shall be transferred to the adult sex offender registry, subject to the registration and notification provisions of chapter 83, title 18, Idaho Code until further order of this Court.

ENTERED this 15th day of July, 2002.


JUDGE

cc: PA, JCSO 10/15/02 - Fax [Signature]

034

DEFENDANT'S
EXHIBIT

3

Scanned 01/23/2009 077

ORIGINAL

WILLIAM J. DOUGLAS
Prosecuting Attorney
501 Government Way/Box 9000
Coeur d' Alene, ID 83816-9000
Telephone: (208) 769-4465

FILED JH
CLERK OF DISTRICT COURT
COEUR D'ALENE, IDAHO

2007 OCT -8 PM 2:40

CLERK OF DISTRICT COURT
DEPUTY
Julie L. Doty

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
JOSHUA ROBERT BRADLEY)
DOB: [REDACTED])
SSN: [REDACTED])
Defendant.)

Case No. CV 02-6937

STIPULATION & ORDER TO
WAIVE HEARING & TRANSFER
OFFENDER TO THE ADULT SEX
OFFENDER REGISTRY PURSUANT
TO IDAHO CODE 18-8410

COMES NOW, DEPUTY PROSECUTING ATTORNEY, JULIE L. DOTY and
JOSHUA R. BRADLEY, and stipulate to waive hearing and transfer the above named
offender to the adult sex offender registry, subject to the registration and notification
provisions of chapter 83, title 18, Idaho Code. This motion is made on the grounds that
this offender was previously required to register as a sex offender in the State of
Washington under case number 96-8-1275-4 after being convicted of the crime of first
degree rape of a child in violation of Revised Code of Washington 9A.44.073. See,
attached *Order of Disposition* for Kitsap County, Washington case number 96-8-1275-4
which is stipulated by the parties to be accurate and incorporated as a part of this motion.
This offender is required, under Washington law, to register as a sex offender for the rest
of his life absent a showing by clear and convincing evidence that future registration
would no longer serve the purposes of Washington law. See, attached RCW 9A.44.040

DEFENDANT'S
EXHIBIT

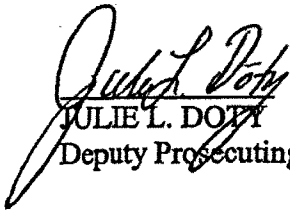
035

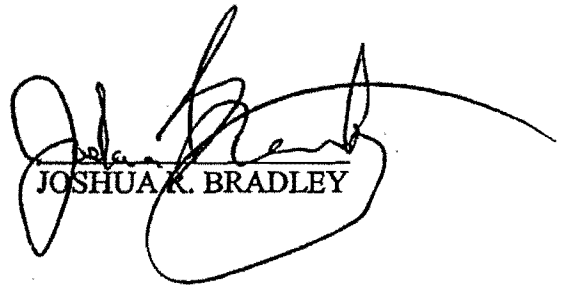
4

Scanned 01/23/2009 CT

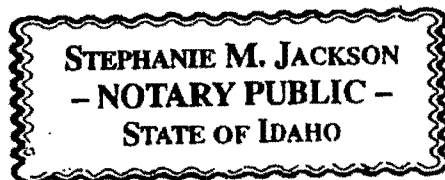
and 9A.44.140(4)(a). To date, this offender has not petitioned the Superior Court of Washington for relief from his requirement to register as a sex offender. This offender has now reached the age of twenty-one (21) and has relocated to Kootenai County, State of Idaho. This motion is further made on the grounds that the parties agree to waive hearing on this matter and agree that this offender shall be transferred to the adult sex offender registry under Idaho law as he is now residing in our community and is likely to pose a threat to the safety of others. See, attached *Psychosexual Evaluation*.

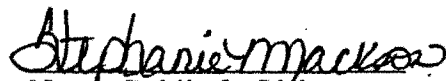
DATED this 26 day of August, 2002.


JULIE L. DOTY
Deputy Prosecuting Attorney


JOSHUA R. BRADLEY

SUBSCRIBED AND SWORN to before me this 26th day of August, 2002.




Notary Public for Idaho
Residing at: Cound'Aline
Commission Expires: 9/11/03

I. HO SEX OFFENDER REGISTER
NOTIFICATION AND REGISTRATION (page 1 of 2)
(Both pages 1 and 2 must be completed on EVERY registration)
(Please Type or Print - Black Ink)

CENTRAL REGISTRY
RE USE ONLY

JUN 15 2007

ISP/BCI/SOR

Section I

Offender Information (Mark appropriate box of fill in information)

1. Adult <input checked="" type="checkbox"/> Juvenile <input checked="" type="checkbox"/>		2. Registration Type (check one) New <input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Annual <input type="checkbox"/> Address Change <input type="checkbox"/> Status Change <input type="checkbox"/> County Move <input type="checkbox"/> Notification <input type="checkbox"/>		3. Previously registered in another State? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> list State(s): <u>WA</u>		4. Idaho Sex Offender Register # <u>8003449</u>	
6. Name: <u>BRADLEY JOSHUA ROBERT</u> Last First Middle				7. Date of Birth: <u>[REDACTED]</u> MM/DD/YYYY		8. Place of Birth (city, state): <u>LONG BEACH, CA</u>	
9. Sex: <u>M</u>	10. Race: <u>W</u>	11. Height: <u>6'01</u>	12. Weight: <u>200</u>	13. Eyes: <u>BLU</u>	14. Hair: <u>BRO</u>	15. SSN: <u>[REDACTED]</u>	
16. Aliases: <u>NONE</u>							
17. Scars/Marks/Tattoos: <u>TAT LF SHLD HEART & WING</u>							
18. Offender Physical Address: (Full street address or description of residence) Street <u>16970 N TRAILS END RD</u> City <u>RATHDRUM</u> ST <u>ID</u> Zip <u>83858</u>							
19. Offender Mailing Address: (Full street address or PO Box) Street <u>GENERAL DELIVERY</u> City <u>RATHDRUM</u> ST <u>ID</u> Zip <u>83858</u>				20. County: <u>KOOTENAI</u>		21. Telephone: <u>(208) 687-0028</u>	
22. How long has offender been at above address:		23. If moving to above address, give effective date of move: <u>06/06/07</u>					
24. Occupation: <u>LABORER</u> Employer: <u>LABOR READY</u> Employer address: Street <u>1916 E SHERMAN AVE</u> City <u>CDA</u> ST <u>ID</u> Zip <u>83814</u>							
25. Enrolled in a school, college or university? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, must give the name and address of the school) Name _____ Institution address: Street _____ City _____ ST _____ Zip _____							
26. Current Status: On Probation <input type="checkbox"/> On Parole <input type="checkbox"/> No supervision <input checked="" type="checkbox"/>		27. Release date from incarceration: <u>03/28/07</u>		28. Probation/Parole Officer:			

Section II

Offense Information (Use additional form if necessary)

29. Sex Offense listed in Sec.18-8304, I.C. or equivalent offense committed in another state or jurisdiction, or by a juvenile. (Literal and statute number if known)	30. Location of offense/crime (state) and date committed. (MM/DD/YYYY)	31. County and state of court where offender pled guilty or was found guilty. (Include case number)	32. Offender's name at time of guilty plea or verdict.	33. Name & location of hospital, jail, or penal facility.
<u>18-6101(1) RAPE</u>	<u>KITSAP, WA</u> <u>1996</u>	<u>KITSAP, WA</u>	<u>BRADLEY, JOSHUA R</u>	<u>NASELE, WA</u>

34. Registering Offender Signature (This signature acknowledges the information above to be true) <u>[Signature]</u> Date: <u>6-6-07</u>		CENTRAL REGISTRY USE ONLY (Initial and date when processed) <u>015</u> Registration Processed by: <u>6/18/07 CM</u> Photo Processed by: <u>6/15/07 CM</u> SX # <u>06878</u>
35. Signature of Juvenile's Parent or Guardian: <u>[Signature]</u> Date: _____		
Original to: Idaho State Police P.O. Box 700 Meridian ID 83680-0700 Copies to: Agency File & Offender	36. Notifying Official (Print): <u>SANDY DELBRIDGE</u> 37. Official's Signature: <u>[Signature]</u> Date: <u>06/06/07</u>	

PK 6-8-07

037

Aug 2006
DEFENDANT'S EXHIBIT
5

IDAHO SEX OFFENDER REGISTRY
NOTIFICATION AND REGISTRATION (page 2 of 2)
(Both pages 1 and 2 must be completed on EVERY registration)
(Please Type or Print - Black Ink)

CENTRAL REGISTRY
RECEIVED

JUN 15 2007

ISP/BCI/SOR

Section III

Offender Information (as appears on page 1)

38. Adult <input checked="" type="checkbox"/> Juvenile <input type="checkbox"/>	39. Name: <div style="display: flex; justify-content: space-between; padding: 0 10px;">BRADLEYJOSHUAROBERT</div> <div style="display: flex; justify-content: space-between; padding: 0 10px;"><small>Last</small><small>First</small><small>Middle</small></div>	40. Date of Birth: [REDACTED] MM/DD/YYYY	41. SSN: [REDACTED]
---	--	--	------------------------

Section IV

Registration Requirements Notification

Pursuant to Chapter 83 and Chapter 84, Title 18, Idaho Code: (Offender must initial each statement, sign and date)

1. ☒ You must, within two (2) working days of coming into a county to establish residence or temporary domicile, register in person with the sheriff of the county, and shall thereafter register annually in person within five (5) days of the mailing date of the registration notice, OR if designated as a Violent Sexual Predator must register quarterly in person within five (5) days of the mailing date of the registration notice.
2. ☒ You must, within two (2) working days of changing your physical residence or mailing address within a county, provide written notice of the new address in person to the sheriff of the county where you are required to register. This will also include a photo and fingerprints.
3. ☒ If you move to another State, you must provide written notice of the new address to the Idaho State Police within five (5) days after the move. You must register in the other State within the time period that its statutes require, but not to exceed ten (10) days. If you work or attend school in another state, you may also be required to register in that state as well as in Idaho.
4. ☒ You must, if a resident of another state, within two (2) working days of becoming employed by or enrolled at an Idaho institution of higher learning, register in person with the sheriff of the county where employed or enrolled in such an institution.
5. ☒ You must, whether resident or non-resident, within two (2) working days of changing employment or enrollment status at an Idaho institution of higher learning, provide written notice in person to the sheriff of the county of the employment or enrollment status change.
6. ☒ Between annual registrations, all offenders are required to respond every four months to the department's address verification notice within seven (7) days of its mailing, or if designated as a Violent Sexual Predator must respond monthly to the address verification notice.
7. ☒ An adult offender subject to registration who fails to register or provide any notice required by law is guilty of a criminal offense punishable by imprisonment in the state prison system for a period not to exceed ten (10) years and by a fine not to exceed five thousand dollars.
8. ☒ A juvenile offender subject to juvenile registration who fails to register or provide any notice required by law is guilty of a misdemeanor criminal offense. The parent or guardian of a juvenile offender may be charged with the misdemeanor offense of failure to supervise a child if the juvenile offender fails to register or provide required notice.
9. ☒ If you are on probation or other supervised release or suspension from incarceration at the time of a fail to register violation, the probation or supervised release shall be revoked and the penalty for violating the registry law shall be served consecutively to the offender's original sentence.
10. ☒ An offender (adult or juvenile) who accepts employment in any day care center, group day care facility or family day care home, as those terms are defined in chapter 11, title 39, Idaho Code, or to be upon or to remain on the premises of a day care center, group day care facility or family day care home while children are present, other than to drop off or pick up the offender's child or children is guilty of a felony as provided in section 18-8327, Idaho Code.
11. ☒ An adult offender who is required to register is restricted on access to any school building or school grounds as outlined in section 18-8329, Idaho Code. Any violation of that section is a misdemeanor.

I have read or have had read to me the above requirements of the Idaho Sex Offender Registration. It has been explained to me and I understand my duty to register and that failure to do so is a criminal offense.

Signature of Registering Offender: _____

Date: 6-6-07

Signature of Juvenile's Parent or Guardian: _____

Date: _____

Original to: Idaho State Police P.O. Box 700 Meridian ID 83680-0700	Registering Official: (print) SANDY DELBRIDGE Official's Signature: <u>Sandy Delbridge</u>	Agency: KOOTENAI COUNTY SHERIFF Address: PO BOX 9000 CDA, ID 83816 Telephone: 208-446-1340
Copies to: Agency File & Offender	Date: 06/06/07	

038

IDAHO SEX OFFENDER REGISTRY
NOTIFICATION AND REGISTRATION (page 1 of 2)
(Both pages 1 and 2 must be completed on EVERY registration)
(Please Type or Print - Black Ink)

CENTRAL REGISTRY
USE ONLY

07-13540

Section I

Offender Information (Mark appropriate box of fill in information)

1. Adult <input checked="" type="checkbox"/> Juvenile <input type="checkbox"/>	2. Registration Type (check one) New <input type="checkbox"/> Quarterly <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Dual County <input type="checkbox"/> Address Change <input type="checkbox"/> Status Change <input type="checkbox"/> County Move <input type="checkbox"/> Out of State Move <input type="checkbox"/>	3. Previously registered in another State? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> list State(s): <u>WA</u>	4. Idaho Sex Offender Registry # 5. Designated as Violent Sexual Predator: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
6. Name: <u>BRADLEY</u> <u>JOSHUA</u> <u>ROBERT</u> Last First Middle		7. Date of Birth: <u>[REDACTED]</u> MM/DD/YYYY	8. Place of Birth (city, state): <u>LONG BEACH, CA</u>			
9. Sex: <u>M</u>	10. Race: <u>W</u>	11. Height: <u>6'01</u>	12. Weight: <u>200</u>	13. Eyes: <u>BLU</u>	14. Hair: <u>BRO</u>	15. SSN: <u>[REDACTED]</u>
16. Aliases: <u>NONE</u>						
17. Scars/Marks/Tattoos: <u>TATT LF CHLD HEART & WING</u>						
18. Offender Physical Address:(Full street address or description of residence). Street <u>16970 N TRAILS END RD</u> City <u>KATHLEEN</u> ST <u>ID</u> Zip <u>83858</u>						
19. Offender Mailing Address:(Full street address or PO Box) Street <u>SAME</u> City <u></u> ST <u></u> Zip <u></u>				20. County: <u>KOOTENAI</u>		21. Telephone: <u>(208) 687-0028</u>
22. How long has offender been at above address: <u>3 MONTHS</u>			23. If moving to above address, give effective date of move:			
24. Occupation: <u>UNEMPLOYED</u> Employer: <u>N/A</u> Employer address: Street <u></u> City <u></u> ST <u></u> Zip <u></u>						
25. Enrolled in a school, college or university? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, must give the name and address of the school) Name <u></u> Institution address: Street <u></u> City <u></u> ST <u></u> Zip <u></u>						
26. Current Status: On Probation <input type="checkbox"/> On Parole <input checked="" type="checkbox"/> No supervision <input checked="" type="checkbox"/>		27. Release date from incarceration: <u>03/28/07</u>		28. Probation/Parole Officer:		

Section II

Offense Information (Use additional form if necessary)

29. Sex Offense listed in Sec.18-8304, I.C. or equivalent offense committed in another state or jurisdiction, or by a juvenile. (Literal and statute number if known)	30. Location of offense/crime (state) and date committed. (MM/DD/YYYY)	31. County and state of court where offender pled guilty or was found guilty. (Include case number)	32. Offender's name at time of guilty plea or verdict.	33. Name & location of hospital, jail, or penal facility.
<u>18-6101(1) RAPE</u>	<u>KITSAP, WA</u> <u>1996</u>	<u>KITSAP, WA</u>	<u>BRADLEY, JOSHUA R</u>	<u>NASELE, WA</u>
<u>07-28953</u>				

34. Registering Offender Signature (This signature acknowledges the information above to be true) <u>[Signature]</u> Date: <u>05-18-07</u>	
35. Signature of Juvenile's Parent or Guardian: <u>[Signature]</u> Date: <u></u>	
Original to: Idaho State Police P.O. Box 700 Meridian ID 83680-0700 to: Agency File & Offender	36. Notifying Official (Print): <u>SANDY DELBRIDGE</u> 37. Official's Signature: <u>[Signature]</u> Date: <u>09/18/07</u>

CENTRAL REGISTRY USE ONLY
(Initial and date when processed)

Registration Processed by:
Photo Processed by:
SX #

IDaho SEX OFFENDER REGISTRY
NOTIFICATION AND REGISTRATION (page 1 of 2)
(Both pages 1 and 2 must be completed on **EVERY** registration)
(Please Type or Print - Black Ink)

**CENTRAL REGISTRY
USE ONLY**

07-13540

Section I Offender Information (Mark appropriate box of fill in information)

alt <input checked="" type="checkbox"/> Juvenile <input type="checkbox"/>	2. Registration Type (check one) New <input type="checkbox"/> Quarterly <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Dual County <input type="checkbox"/> Address Change <input type="checkbox"/> Status Change <input type="checkbox"/> County Move <input type="checkbox"/> Out of State Move <input type="checkbox"/>	3. Previously registered in another State? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> list State(s): <u>WA</u>	4. Idaho Sex Offender Registry # 5. Designated as Violent Sexual Predator: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
--	---	---	--

6. Name: <u>BRADLEY</u> <u>JOSHUA</u> <u>ROBERT</u> Last First Middle	7. Date of Birth: <u>MM/DD/YYYY</u>	8. Place of Birth (city, state): <u>LONG BEACH, CA</u>
--	-------------------------------------	--

9. Sex: <u>M</u>	10. Race: <u>W</u>	11. Height: <u>6'01</u>	12. Weight: <u>200</u>	13. Eyes: <u>BLU</u>	14. Hair: <u>BRO</u>	15. SSN: <u>[REDACTED]</u>
------------------	--------------------	-------------------------	------------------------	----------------------	----------------------	----------------------------

6. Aliases: NONE

7. Scars/Marks/Tattoos: TATT LV GRD HEART & WING

8. Offender Physical Address:(Full street address or description of residence).

street 16970 N TRAILS END RD City KATHLAMET ST ID Zip 83858

9. Offender Mailing Address:(Full street address or PO Box)

street SAME City ST Zip

20. County: <u>KOOTENAI</u>	21. Telephone: <u>(208) 687-0028</u>
-----------------------------	--------------------------------------

2. How long has offender been at above address: <u>3 MONTHS</u>	23. If moving to above address, give effective date of move: <u></u>
---	--

4. Occupation: UNEMPLOYED

Employer: N/A Employer address: Street City ST Zip

5. Enrolled in a school, college or university? No ☒ Yes ☐ (If yes, must give the name and address of the school)

Name Institution address: Street City ST Zip

6. Current Status: On Probation <input type="checkbox"/> On Parole <input type="checkbox"/> No supervision <input checked="" type="checkbox"/>	27. Release date from incarceration: <u>03/28/07</u>	28. Probation/Parole Officer: <u></u>
---	--	---------------------------------------

Section II Offense Information (Use additional form if necessary)

9. Sex Offense listed in Sec.18-8304, I.C. or equivalent offense committed in another state or jurisdiction, or by a juvenile. Literal and statute number if known)	30. Location of offense/crime (state) and date committed. (MM/DD/YYYY)	31. County and state of court where offender pled guilty or was found guilty. (Include case number)	32. Offender's name at time of guilty plea or verdict.	33. Name & location of hospital, jail, or penal facility.
<u>18-6101(1) RAPE</u>	<u>KITSAP, WA</u> <u>1996</u>	<u>KITSAP, WA</u>	<u>BRADLEY, JOSHUA R</u>	<u>NASELE, WA</u>
		<u>07-28953</u>		

4. Registering Offender Signature (This signature acknowledges the information above to be true)

Signature: [Signature] Date: 08-18-07

5. Signature of Juvenile's Parent or Guardian: Date:

Original to: Idaho State Police P.O. Box 700 Medford ID 83680-0700 to: Agency File & Offender	36. Notifying Official (Print): <u>SANDY DELBRIDGE</u> 37. Official's Signature: <u></u> Date: <u>09/18/07</u>
---	--

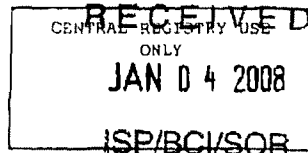
CENTRAL REGISTRY USE ONLY (Initial and date when processed)
Registration Processed by: <u></u>
Photo Processed by: <u></u>
SX # <u></u>

Scanned 11/16/2007 a

6 Shuler 2007 9/19/07

IDAHO SEX OFFENDER REGISTRY
NOTIFICATION AND REGISTRATION (page 1 of 2)
 (Both pages 1 and 2 must be completed on EVERY registration)

(Please Type or Print - Black Ink)



Section I

Offender Information (Mark appropriate box of fill in information)

1. Adult <input checked="" type="checkbox"/> Juvenile <input type="checkbox"/>	2. Registration Type (check one) New <input type="checkbox"/> Quarterly <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Address Change <input type="checkbox"/> Status Change <input type="checkbox"/> County Move <input type="checkbox"/> Notification <input type="checkbox"/>	3. Previously registered in another State? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> list State(s): <u>WA</u>	4. Idaho Sex Offender Registry # <u>8003449</u>
6. Name: <u>BRADLEY</u> <u>JOSHUA</u> <u>ROBERT</u> Last First Middle		7. Date of Birth: <u>[REDACTED]</u> MM/DD/YYYY	8. Place of Birth (city, state): <u>LONG BEACH, CA</u>
9. Sex: <u>M</u>	10. Race: <u>W</u>	11. Height: <u>6' 1"</u>	12. Weight: <u>200</u>
13. Eyes: <u>BLU</u>		14. Hair: <u>BRO</u>	15. SSN: <u>[REDACTED]</u>
16. Abuses: <u>NONE</u>			
17. Scars/Marks/Tattoos: <u>TATT LF SHLD HEART & WING</u>			
18. Offender Physical Address: (Full street address or description of residence). Street <u>16970 N TRAILS END RD</u> City <u>RATHDRUM</u> ST <u>ID</u> Zip <u>83858</u>			
19. Offender Mailing Address: (Full street address or PO Box) Street <u>SAME</u> City <u></u> ST <u></u> Zip <u></u>		20. County: <u>KOOTENAI</u>	21. Telephone: <u>(208) 687-0028</u>
22. How long has offender been at above address: <u>6 MONTHS</u>		23. If moving to above address, give effective date of move:	
24. Occupation: <u>UNEMPLOYED</u> Employer: <u>N/A</u> Employer address: Street <u></u> City <u></u> ST <u></u> Zip <u></u>			
25. Enrolled in a school, college or university? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, must give the name and address of the school) Name <u></u> Institution address: Street <u></u> City <u></u> ST <u></u> Zip <u></u>			
26. Current Status: On Probation <input type="checkbox"/> On Parole <input type="checkbox"/> No supervision <input checked="" type="checkbox"/>		27. Release date from incarceration: <u>03/28/07</u>	28. Probation/Parole Officer:

Section II

Offense Information (Use additional form if necessary)

29. Sex Offense listed in Sec.18-8304, I.C. or equivalent offense committed in another state or jurisdiction, or by a juvenile. (Literal and statute number if known)	30. Location of offense/crime (state) and date committed. (MM/DD/YYYY)	31. County and state of court where offender pled guilty or was found guilty. (Include case number)	32. Offender's name at time of guilty plea or verdict.	33. Name & location of hospital, jail, or penal facility.
<u>18-6101(1) RAPE</u>	<u>KITSAP, WA/1996</u>	<u>KITSAP, WA</u>	<u>BRADLEY, JOSHUA R</u>	<u>NASELE, WA</u>

34. Registering Offender Signature (This signature acknowledges the information above to be true)

Date: 12-27-2007

35. Signature of Juvenile's Parent or Guardian:

Date:

Original to:
Idaho State Police
P.O. Box 700
Meridian ID 83680-0700

Copies to: Agency File & Offender

36. Notifying Official:

JOHN T. BROUGHTON

37. Official's Signature:

Date:

12/27/2007

CENTRAL REGISTRY USE ONLY

(Initial and date when processed)

Registration Processed by:

Photo Processed by:

SX #

C. Cook 12/28/07

041

IDAHO SEX OFFENDER REGISTRY
NOTIFICATION AND REGISTRATION (page 2 of 2)
(Both pages 1 and 2 must be completed on EVERY registration)

(Please Type or Print - Black Ink)

Offender Information (as appears on page 1)

RECEIVED

JAN 04 2008

ISP/BCI/SOR

Section III

38. Adult <input checked="" type="checkbox"/> Juvenile <input type="checkbox"/>	39. Name: BRADLEY JOSHUA ROBERT <small>Last First Middle</small>	40. Date of Birth: MM/DD/YYYY [REDACTED]	41. SSN: [REDACTED]
---	---	---	-------------------------------

Section IV

Registration Requirements Notification

Pursuant to Chapter 83 and Chapter 84, Title 18, Idaho Code: (Offender must initial each statement, sign and date)

1. ☒ You must, within two (2) working days of coming into a county to establish residence or temporary domicile, register in person with the sheriff of the county, and shall thereafter register annually in person within five (5) days of the mailing date of the registration notice, OR if designated as a Violent Sexual Predator must register quarterly in person within five (5) days of the mailing date of the registration notice.
2. ☒ You must, within two (2) working days of changing your residence within a county, provide written notice of the new address in person to the sheriff of the county where you are required to register. This will also include a photo and fingerprints.
3. ☒ If you move to another State, you must provide written notice of the new address to the Idaho State Police within five (5) days after the move. You must register in the other State within the time period that its statutes require, but not to exceed ten (10) days. If you work or attend school in another state, you may also be required to register in that state as well as in Idaho.
4. ☒ You must, if a resident of another state, within two (2) working days of becoming employed by or enrolled at an Idaho institution of higher learning, register in person with the sheriff of the county where employed or enrolled in such an institution.
5. ☒ You must, whether resident or non-resident, within two (2) working days of changing employment or enrollment status at an Idaho institution of higher learning, provide written notice in person to the sheriff of the county of the employment or enrollment status change.
6. ☒ Between annual registrations, all offenders are required to respond every four months to the department's address verification notice within seven (7) days of its mailing; or if designated as a Violent Sexual Predator must respond monthly to the address verification notice.
7. ☒ An adult offender subject to registration who fails to register or provide any notice required by law is guilty of a criminal offense punishable by imprisonment in the state prison system for a period not to exceed ten (10) years and by a fine not to exceed five thousand dollars.
8. ☒ A juvenile offender subject to juvenile registration who fails to register or provide any notice required by law is guilty of a misdemeanor criminal offense. The parent or guardian of a juvenile offender may be charged with the misdemeanor offense of failure to supervise a child if the juvenile offender fails to register or provide required notice.
9. ☒ If you are on probation or other supervised release or suspension from incarceration at the time of a fail to register violation, the probation or supervised release shall be revoked and the penalty for violating the registry law shall be served consecutively to the offender's original sentence.
10. ☒ An offender (adult or juvenile) who accepts employment in any day care center, group day care facility or family day care home, as those terms are defined in chapter 11, title 39, Idaho Code, or to be upon or to remain on the premises of a day care center, group day care facility or family day care home while children are present, other than to drop off or pick up the offender's child or children. Is guilty of a felony as provided in section 18-8327, Idaho Code.
11. ☒ An adult offender who is required to register is restricted on access in any school building or school grounds as outlined in section 18-8329, Idaho Code. Any violation of that section is a misdemeanor.

I have read or have had read to me the above requirements of the Idaho Sex Offender Registration. It has been explained to me and I understand my duty to register and that failure to do so is a criminal offense.

Signature of Registering Offender: [Signature]

Date: 12-27-07

Signature of juvenile's Parent or Guardian: [Signature]

Date: 12-27-07

Original to: Idaho State Police P.O. Box 700 Meridian ID 83680-0700	Registering Official: JOHN T. BROUGHTON	Agency: Kootenai County Sheriff
	Official's Signature: <u>[Signature]</u>	Address: 5500 N. Government Way Coeur d'Alene, ID 83815
Copies to: Agency File & Offender	Date: 12/27/2007	Telephone: (208) 446-1300

IDAHO SEX OFFENDER REGISTRY
NOTIFICATION AND REGISTRATION
(Both pages 1 and 2 must be completed on EVERY registration)

C. Cook 12/28/07

RECEIVED BY

APR 09 2008

KOOTENAI COUNTY
PUBLIC DEFENDER

STATE OF IDAHO)
County of Kootenai) SS
FILED 4-9-08

AT 8:10 O'clock AM
CLERK, DISTRICT COURT

Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,
Plaintiff.

vs.

JOSHUA ROBERT BRADLEY,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. **CRF07-25856**

JUDGMENT AND SENTENCE

The block checked below constitutes the Judgment and Sentence in the above matter(s).

- ☐ ORDER SUSPENDING JUDGMENT AND SENTENCE
☐ ORDER WITHHOLDING JUDGMENT
☐ ORDER RETAINED JURISDICTION
☒ COMMITTED TO THE IDAHO DEPARTMENT OF CORRECTIONS

On March 20, 2008, before the Honorable Fred M. Gibler, District Judge, you, **JOSHUA ROBERT BRADLEY**, personally appeared for sentencing. Also appearing were Jim Reiersen, Deputy Prosecuting Attorney for Kootenai, County, Idaho and your lawyer, Val Siegel.

WHEREUPON, the previously ordered pre-sentence report having been filed, and the Court having ascertained that you have had an opportunity to read the pre-sentence report and review it with your lawyer, and you having been given the opportunity to explain, correct or

043

DEFENDANT'S
EXHIBIT

deny parts of the pre-sentence report. and having done so, and you having been given the opportunity to make a statement and having done so, and recommendations having been made by counsel for the State and by your lawyer, and there being no legal reason given why judgment and sentence should not then be pronounced, the Court did then pronounce its judgment and sentence as follows:

IT IS HEREBY ORDERED AND IT IS THE JUDGMENT OF THIS COURT that you, **JOSHUA ROBERT BRADLEY** having been advised of and having waived your constitutional rights to a) trial by jury; b) remain silent; and c) confront witnesses, and thereafter having pled guilty to:

___ having been found guilty by a jury of the criminal offenses charged in the Information on file herein as follows:

FAILURE TO REGISTER AS A SEX OFFENDER, a Felony, Idaho Code §18-8309

THAT YOU, JOSHUA ROBERT BRADLEY, ARE GUILTY OF THE CRIME(S) SO CHARGED, and now, therefore,

☒ **IT IS HEREBY FURTHER ORDERED** that, pursuant to I.C. § 19-2513, you, **JOSHUA ROBERT BRADLEY**, are sentenced as follows:

3 years fixed; 2 years indeterminate; for a total term not to exceed 5 years.

☒ Concurrent with 08 1172 ___ Consecutive
___ RSAT Program Recommended

☒ **IT IS FURTHER ORDERED** that you, **JOSHUA ROBERT BRADLEY**, shall be given credit for time served on the above sentence(s) as follows:

CRF07-25856 109 days

___ **IT IS FURTHER ORDERED** that, the Court shall retain jurisdiction for one hundred eighty (180) days pursuant to I.C. § 19-2601. Upon completion of said retain jurisdiction program the defendant shall be transported back to Kootenai County and to the custody of the Kootenai County Public Safety Building.

✓ ___ **IT IS FURTHER ORDERED** that **JOSHUA ROBERT BRADLEY** is committed to the custody of the Idaho State Board of Correction on date of the sentencing hearing.

___ **IT IS FURTHER ORDERED** that, pursuant to I.C. § 19-2601, Judgment and Sentence are withheld for a period of ___ years.

___ **IT IS FURTHER ORDERED** that, execution of the above sentence be suspended.

___ **IT IS FURTHER ORDERED** that, you are placed on supervised probation for a period of ___ years upon the terms and conditions identified and set forth on the attached Schedule of Probation Terms and Conditions.

___ **IT IS FURTHER ORDERED** pursuant to I.C. § 19-5302 that the court shall reserve jurisdiction to allow the State to file a memorandum of restitution. Upon the filing of a memorandum of restitution within ___ days, the Court shall enter an order in said amount unless the defendant files an objection and notice of hearing on the issue within twenty eight (28) days of the filing of the memorandum of restitution. Thereafter, a separate civil judgment shall be entered against you, **JOSHUA ROBERT BRADLEY**, and in favor of your victims. Such civil judgment shall bear statutory interest from the date of each offense.

___ **IT IS FURTHER ORDERED** that any bail posted in this matter shall be exonerated, provided that any deposit shall be applied pursuant to I.C. § 19-2923.

___ That in the presence of your probation officer, you shall on a certified copy of this order and the attached Schedule of Probation Terms and Conditions endorse your receipt of a copy of

Scanned 04/09/2009 at

045

this order and shall have initialed your acceptance, agreement, and consent to each of the terms and conditions contained in this order and attachment. Your probation officer shall return to the court the certified copy that contains your endorsement.

✓ That you shall pay court costs and fees \$100.50 or \$115.50 for felony DUI, or \$110.50 for drug cases, or \$253.00 for sex crimes as follows:

a. Court costs	17.50
b. Victim's Comp. Fund	50.00
c. P.O.S.T. Fee	10.00
d. Kootenai Co. Justice Fund	10.00
e. ISTARs	10.00
f. Fines	
g. Peace Officer Disability Fund	3.00

That you shall pay additional costs, fees, restitution and reimbursements as follows:

g. CS Work Comp	60.00
h. CS Fee	20.00
i. Reimburse defense costs	300.00
j. Reimburse prosecution costs	100.00
k. Reimburse district court fund	100.00
l. Idaho State Police Drug Restitution	100.00
m. Evaluation Substance/Psychological	75.00/210.00

All of the above sums shall be paid to the County Clerk at the Kootenai County Courthouse. in monthly installments to be determined by your probation officer, based upon your ability to pay. Based upon a periodic review of your financial circumstances, your probation officer may increase or decrease the amount of your monthly payment. it being the intent that your financial obligations under this sentence be paid in full prior to your discharge from probation. All payments shall be made in the form of cash, cashier's check or money order. The clerk shall distribute the payments in the priority set by the Idaho Supreme Court.

NOTICE OF RIGHT TO APPEAL

YOU, JOSHUA ROBERT BRADLEY, ARE HEREBY NOTIFIED that you have this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written order in this matter

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

DATED this 28 day of March, 2008.

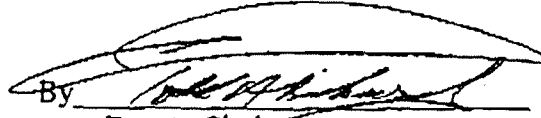
Fred M. Sible
District Judge

CERTIFICATE OF MAILING/SERVICE

I hereby certify that on the 9 day of April, 2008, copies of the foregoing Judgment and Sentencing Disposition were mailed, postage prepaid, faxed, or sent by interoffice mail to:

- ☒ Deputy Prosecuting Attorney for Kootenai County (Fax 446-1841)
- ☒ Defense Counsel (Public Defender Fax 446-1701)
- ☐ Defendant
- ☒ Idaho Department of Correction (certified copy via fax 208 327-7445)
- ☒ Probation & Parole (Fax 769-1481)
- ☒ Kootenai County Sheriff's Department (Fax 446-1407)
- ☐ Idaho Dept. of Transportation (certified copy via fax 208-334-8739)
- ☐ Information Systems Department, Idaho Supreme Court, Supreme Court Building,
W. 451 State Street, Boise, ID 83720
- ☐ Auditor Interoffice Mail
- ☐ Community Service Interoffice Mail

DANIEL J. ENGLISH
CLERK OF THE DISTRICT COURT

By 
Deputy Clerk

RECEIVED BY

VS
APR 11 2008

KOOTENAI COUNTY
PUBLIC DEFENDER

STATE OF IDAHO)
County of Kootenai) SS
FILED 4-11-08

AT 9:08 O'clock A M
CLERK, DISTRICT COURT

Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,
Plaintiff,

vs.

JOSHUA ROBERT BRADLEY,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. **F08-1172**

JUDGMENT AND SENTENCE

The block checked below constitutes the Judgment and Sentence in the above matter(s)

- ☐ ORDER SUSPENDING JUDGMENT AND SENTENCE
☐ ORDER WITHHOLDING JUDGMENT
☐ ORDER RETAINED JURISDICTION
☒ COMMITTED TO THE IDAHO DEPARTMENT OF CORRECTIONS

On March 20, 2008, before the Honorable Fred M. Gibler, District Judge, you, **JOSHUA ROBERT BRADLEY**, personally appeared for sentencing. Also appearing were Jim Reicerson, Deputy Prosecuting Attorney for Kootenai, County, Idaho and your lawyer, Val Siegel.

WHEREUPON, the previously ordered pre-sentence report having been filed, and the Court having ascertained that you have had an opportunity to read the pre-sentence report and review it with your lawyer, and you having been given the opportunity to explain, correct or

049

DEFENDANT'S
EXHIBIT
7

deny parts of the pre-sentence report. and having done so, and you having been given the opportunity to make a statement and having done so. and recommendations having been made by counsel for the State and by your lawyer. and there being no legal reason given why judgment and sentence should not then be pronounced. the Court did then pronounce its judgment and sentence as follows:

IT IS HEREBY ORDERED AND IT IS THE JUDGMENT OF THIS COURT that you, **JOSHUA ROBERT BRADLEY** having been advised of and having waived your constitutional rights to a) trial by jury; b) remain silent; and c) confront witnesses. and thereafter having pled guilty to:

— having been found guilty by a jury of the criminal offenses charged in the Information on file herein as follows:

FAILURE TO REGISTER AS A SEX OFFENDER, a Felony, Idaho Code §18-8309

THAT YOU, JOSHUA ROBERT BRADLEY, ARE GUILTY OF THE CRIME(S) SO CHARGED, and now, therefore.

✓ **IT IS HEREBY FURTHER ORDERED** that, pursuant to I.C. § 19-2513, you, **JOSHUA ROBERT BRADLEY**, are sentenced as follows:

3 years fixed; 7 years indeterminate; for a total term not to exceed 10 years.

✓ Concurrent with 07 25856 Consecutive

RSAT Program Recommended

— **IT IS FURTHER ORDERED** that you, **JOSHUA ROBERT BRADLEY**, shall be given credit for time served on the above sentence(s) as follows:

CRF08-1172 64 days

___ **IT IS FURTHER ORDERED** that, the Court shall retain jurisdiction for one hundred eighty (180) days pursuant to I.C. § 19-2601. Upon completion of said retain jurisdiction program the defendant shall be transported back to Kootenai County and to the custody of the Kootenai County Public Safety Building.

✓ ___ **IT IS FURTHER ORDERED** that *JOSHUA ROBERT BRADLEY* is committed to the custody of the Idaho State Board of Correction on date of the sentencing hearing.

___ **IT IS FURTHER ORDERED** that, pursuant to I.C. § 19-2601, Judgment and Sentence are withheld for a period of ___ years.

___ **IT IS FURTHER ORDERED** that, execution of the above sentence be suspended.

___ **IT IS FURTHER ORDERED** that, you are placed on supervised probation for a period of ___ years upon the terms and conditions identified and set forth on the attached Schedule of Probation Terms and Conditions.

___ **IT IS FURTHER ORDERED** pursuant to I.C. § 19-5302 that the court shall reserve jurisdiction to allow the State to file a memorandum of restitution. Upon the filing of a memorandum of restitution within ___ days, the Court shall enter an order in said amount unless the defendant files an objection and notice of hearing on the issue within twenty eight (28) days of the filing of the memorandum of restitution. Thereafter, a separate civil judgment shall be entered against you, *JOSHUA ROBERT BRADLEY*, and in favor of your victims. Such civil judgment shall bear statutory interest from the date of each offense.

___ **IT IS FURTHER ORDERED** that any bail posted in this matter shall be exonerated, provided that any deposit shall be applied pursuant to I.C. § 19-2923.

___ That in the presence of your probation officer, you shall on a certified copy of this order and the attached Schedule of Probation Terms and Conditions endorse your receipt of a copy of

this order and shall have initialed your acceptance, agreement, and consent to each of the terms and conditions contained in this order and attachment. Your probation officer shall return to the court the certified copy that contains your endorsement.

✓ That you shall pay court costs and fees \$100.50 or \$115.50 for felony DUI, or \$110.50 for drug cases, or \$253.00 for sex crimes as follows:

a. Court costs	17.50
b. Victim's Comp. Fund	50.00
c. P.O.S.T. Fee	10.00
d. Kootenai Co. Justice Fund	10.00
e. ISTARs	10.00
f. Fines	
g. Peace Officer Disability Fund	3.00

✓ That you shall pay additional costs, fees, restitution and reimbursements as follows:

g. CS Work Comp	60.00
h. CS Fee	20.00
i. Reimburse defense costs	300.00
j. Reimburse prosecution costs	100.00
k. Reimburse district court fund	100.00
l. Idaho State Police Drug Restitution	100.00
m. Evaluation Substance/Psychological	75.00/210.00

____ All of the above sums shall be paid to the County Clerk at the Kootenai County Courthouse, in monthly installments to be determined by your probation officer, based upon your ability to pay. Based upon a periodic review of your financial circumstances, your probation officer may increase or decrease the amount of your monthly payment, it being the intent that your financial obligations under this sentence be paid in full prior to your discharge from probation. All payments shall be made in the form of cash, cashier's check or money order. The clerk shall distribute the payments in the priority set by the Idaho Supreme Court.

NOTICE OF RIGHT TO APPEAL

YOU, JOSHUA ROBERT BRADLEY, ARE HEREBY NOTIFIED that you have this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written order in this matter.

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

DATED this 28 day of March, 2008.

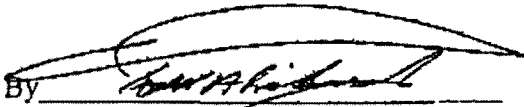
Fred M. Sible
District Judge

CERTIFICATE OF MAILING/SERVICE

I hereby certify that on the 11 day of April, 2008, copies of the foregoing Judgment and Sentencing Disposition were mailed, postage prepaid, faxed, or sent by interoffice mail to:

- ☒ Deputy Prosecuting Attorney for Kootenai County (Fax 446-1841)
- ☒ Defense Counsel (Public Defender Fax 446-1701)
- ☐ Defendant
- ☒ Idaho Department of Correction (certified copy via fax 208 327-7445)
- ☒ Probation & Parole (Fax 769-1481)
- ☒ Kootenai County Sheriff's Department (Fax 446-1407)
- ☐ Idaho Dept. of Transportation (certified copy via fax 208-334-8739)
- ☐ Information Systems Department, Idaho Supreme Court, Supreme Court Building,
W. 451 State Street, Boise, ID 83720
- ☐ Auditor Interoffice Mail
- ☐ Community Service Intcroffice Mail

DANIEL J. ENGLISH
CLERK OF THE DISTRICT COURT

By 
Deputy Clerk

DEC 03 2008

STATE OF IDAHO
COUNTY OF KOOTENAI
FILEDKOOTENAI COUNTY
PUBLIC DEFENDER

Inmate Name Joshua Bradley
 IDOC No. 68370
 Address INSE PO BOX 51
Boise, ID 83707

ORIGINAL

2008 NOV 24 AM 11:03

CLERK DISTRICT COURT

DEPUTY

Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

JOSHUA BRADLEY,)
)
 Petitioner,)
)
 vs.)
)
STATE OF IDAHO,)
)
 Respondent.)
)

Case No. CU08-9520

PETITION AND AFFIDAVIT
 FOR POST CONVICTION
 RELIEF

The Petitioner alleges:

1. Place of detention if in custody: IDAHO MAXIMUM SECURITY INSTITUTION
2. Name and location of the Court which imposed judgement/sentence: KOOTENAI COUNTY DISTRICT COURT, COEUR D'ALENE
3. The case number and the offense or offenses for which sentence was imposed:
 - (a) Case Number: 07-25856 & 08-01172
 - (b) Offense Convicted: FAIL TO REGISTER
4. The date upon which sentence was imposed and the terms of sentence:
 - a. Date of Sentence: MARCH 20th 2008
 - b. Terms of Sentence: 3 yrs Fixed 7 yrs Indeterminate

PETITION FOR POST CONVICTION RELIEF - 1

Revised: 10/13/05

DEFENDANT'S
 EXHIBIT
 8

SCANNED 12/24/2008 11:05
 055

5. Check whether a finding of guilty was made after a plea:

☒ Of guilty [] Of not guilty

6. Did you appeal from the judgment of conviction or the imposition of sentence?

☒ Yes [] No

If so, what was the Docket Number of the Appeal? 35171 & 35208

7. State concisely all the grounds on which you base your application for post conviction relief: (Use additional sheets if necessary.)

(a) THERE EXISTS EVIDENCE OF FACTS NOT PREVIOUSLY
PRESENTED THAT WOULD REQUIRE VALUATION OF CONVICTION

(b) INEFFECTIVE ASSISTANCE OF COUNSEL

(c) VALIDITY OF CONVICTION, SENTENCE THAT
WAS IMPOSED

8. Prior to this petition, have you filed with respect to this conviction:

a. Petitions in State or Federal Court for habeas corpus? NO

b. Any other petitions, motions, or applications in any other court? YES

c. If you answered yes to a or b above, state the name and court in which each petition, motion or application was filed:

MOTION TO DISMISS

MOTION TO WITHDRAW GUILTY PLEA

9. If your application is based upon the failure of counsel to adequately represent you, state concisely *and in detail* what counsel failed to do in representing your interests:

(a) COUNSEL FAILED TO PROPERLY INFORM DEFENDENT
OF IDAHO SEXUAL OFFENDER REGISTRATION ACT 18-8301 I.C.

(b) THERE WAS A LANGUAGE BARRIER, OR LACK OF
COMMUNICATION BETWEEN COUNSEL & DEFENDENT

(c) _____

10. Are you seeking leave to proceed in forma pauperis, that is, requesting the proceeding be at county expense? (If your answer is "yes", you must fill out a Motion to Proceed in Forma Pauperis and supporting affidavit.)

☒ Yes [] No

11. Are you requesting the appointment of counsel to represent you in this case? (If your answer is "yes", you must fill out a Motion for the Appointment of Counsel and supporting affidavit, as well as a Motion to Proceed In Forma Pauperis and supporting affidavit.)

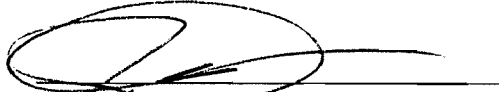
☒ Yes [] No

12. State specifically the relief you seek:

TO BE RELIEVED OF SAID CONVICTION / SENTENCE


13. This Petition may be accompanied by affidavits in support of the petition. (Forms for this are available.)

DATED this 18 day of November, 2008.

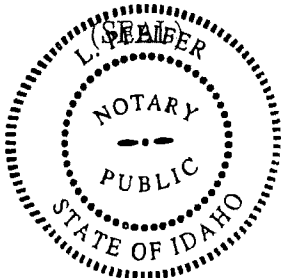

Petitioner


STATE OF IDAHO)
) ss
County of KOOTENAI)

JOSHUA BRADLEY, being sworn, deposes and says that the party is the
Petitioner in the above-entitled appeal and that all statements in this PETITION FOR POST
CONVICTION RELIEF are true and correct to the best of his or her knowledge and belief.


Petitioner

SUBSCRIBED AND SWORN and AFFIRMED to before me this 18th day of
November, 2008.

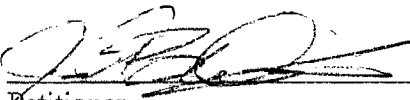



Notary Public for Idaho
Commission expires: 05/11/2012

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 18 day of November, 2008, I mailed
a copy of this PETITION FOR POST CONVICTION RELIEF for the purposes of filing with the
court and of mailing a true and correct copy via prison mail system to the U.S. mail system to:

KOOTENAI County Prosecuting Attorney
PO Box 9000
Coeur d'Alene, ID 83816-9000



Petitioner

AFFIDAVIT OF FACTS IN SUPPORT OF POST-CONVICTION PETITION

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

JOSHUA BRADLEY, being first duly sworn on oath, deposes and says:

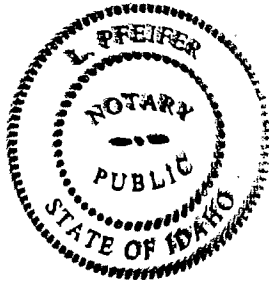
ON MARCH 20th 2008, THE DEFENDENT WAS FOUND GUILTY OF
(2) TWO COUNTS OF FAILURE TO REGISTER. HOWEVER, UPON
SENTENCE IT HAS COME TO THE ATTENTION OF THE DEFENDENT THAT
COUNSEL HAD FAILED TO ADVISE DEFENDENT OF 18-8301 I.C. &
ITS PROVISIONS. THE DEFENDENT AT THE TIME OF CONVICTION, WAS
REGISTERED UNDER OFFENSE CODE 18-6101.1, WHICH IS EXCLUDED
FROM THE PROVISIONS OF SAID CHAPTER, THUS NO OTHER OFFENSE
CODE IS DEEMED EQUIVALENT. THE DEFENDENT ALSO ASSENTS THAT
THE CURRENT OFFENSE CODE FOR WHICH HE IS NOW SENTENCED
UNDER IS INCORRECT, THUS BEING 18-8301, HOWEVER WHICH SHOULD'VE
BEEN 18-8311 I.C. (PENALTIES & PUNISHMENTS). IN CONCLUSION THE
OFFENSE CODE FOR WHICH THE DEFENDENT IS/WAS REGISTERED UNDER,
& DOCUMENTED AS 18-6101.1 FOR THE PAST 10 YEARS IN IDAHO,
THE DEFENDENT RESPECTFULLY ASKS,


- A. WHY WAS HE REQUIRED TO REGISTER
B. WHY WERE CHARGES OF FAILURE TO REGISTER BROUGHT
AGAINST THIS DEFENDENT.

Further your affiant sayeth not.


Signature of Affiant

SUBSCRIBED AND SWORN AND AFFIRMED TO before me this 18 day of
November, 2008.




Notary Public for Idaho
My Commission Expires: 05/11/2012

Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:09 AM

ROA Report

Page 1 of 1

Case: CV-2008-0009520 Current Judge: Fred M. Gibler

Joshua Robert Bradley, Plaintiff vs State Of Idaho, Defendant

Joshua Robert Bradley, Plaintiff vs State Of Idaho, Defendant

Date	Code	User	Judge
4/28/2009	NOTE	HAMILTON	Copy of Letter filed 4/20/09 sent to Public Defender and KCPA for review
	NOTE	HAMILTON	Copy of Letter filed 4/28/08 sent to Public Defender and KCPA for review
	LETD	HAMILTON	Letter From Defendant RE: Attorney and Proceedings.
4/23/2009	NOTC	HUFFMAN	Notice of Trial Setting 8/20/09 9:00 AM
4/20/2009	LETD	RICKARD	Letter From Defendant
4/15/2009	NOTE	HAMILTON	Letter filed 4/14/09 referred to both state and defense attorneys
4/14/2009	LETR	SREED	Letter from Plaintiff
1/21/2009	NOTE	HAMILTON	Criminal Cases stayed until these proceedings concluded, CR2007-25856 and CR08-1172
12/9/2008	NOAP	SREED	Notice Of Appearance - Lynn Nelson OBO Joshua Bradley
11/25/2008	ORDR	HAMILTON	Order Granting Motion for Appointment of Counsel
	ORPD	HAMILTON	Subject: Bradley, Joshua Robert Order Appointing Public Defender Public defender Public Defender
11/24/2008	MOTN	MCCORD	Motion & Affd for Permissiaon to Proceed on Partial Payment of Court Fees
	MOTN	MCCORD	Motion & Affd in Support for Appointment of Counsel
	MOSC	MCCORD	Motion For Show Cause & Summary Hearing
	AFFD	MCCORD	Affidavit of Show Cause & Summary Hearing
	PETN	MCCORD	Petition & Affd for Post Conviction Relief
	ADMR	MCCORD	Administrative assignment of Judge
		MCCORD	Filing: 9SPC - Post Conviction Relief Filing Paid by: State Receipt number: 0823561 Dated: 11/24/2008 Amount: \$.00 (Cash) For:
	NCPC	MCCORD	New Case Filed - Post Conviction Relief

DEFENDANT'S
EXHIBIT

9

062

Date: 7/27/2007

First Judicial District Court - Kootenai County

User: ANDERSON

Time: 11:52 AM

ROA Report

Page 1 of 1

Case: CV-2002-0006937 Current Judge: John P. Luster

State of Idaho vs. Joshua Robert Bradley

State of Idaho vs. Joshua Robert Bradley

Date	Code	User	Judge
10/8/2002	NEWC	PARKER	New Case Filed John P. Luster
		PARKER	Filing: A1 - Civil Complaint, More Than \$1000 No Prior Appearance Paid by: KCPA Receipt number: 0542463 Dated: 10/08/2002 Amount: \$.00 (Cash) John P. Luster
10/10/2002	STIP	LEITZKE	Stipulation & Order to Waive Hearing & Transfer Offender to the Adult Sex Offender Registry John P. Luster
10/15/2002	ORDR	BOOTH	Order to waive hearing and transfer offender to the adult sex offender registry pursuant to i.c. 18-8410 John P. Luster
	DPWO	BOOTH	Disposition Without Trial Or Hearing John P. Luster
	FJDE	BOOTH	Final Judgement, Order Or Decree Entered John P. Luster
	STAT	BOOTH	Case status changed: Closed John P. Luster
7/27/2007	SCAN	ANDERSON	Scanned John P. Luster

063



Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:22 AM

ROA Report

Page 1 of 3

Case: CR-2008-0001172 Current Judge: Fred M. Gibler

Defendant: Bradley, Joshua Robert

State of Idaho vs. Joshua Robert Bradley

Date	Code	User	Judge
1/21/2009	STAT	HAMILTON	Case status changed: inactive
	ORDR	HAMILTON	Order to Stay Proceedings until conclusion of Post Conviction Relief file CV2008-9520
1/20/2009	NOTE	HAMILTON	Letter filed 1/20/09 by Defendant has been referred to the Public Defender's Office
	LETD	CARROLL	Letter From Defendant RE: Post Conviction
12/17/2008	BRFA	HAMILTON	Brief Of Appellant
	LETD	CARROLL	Letter From Defendant
9/5/2008	NOAC	CARROLL	Notice Of Assignment Change
6/24/2008	CERT	OREILLY	Certificate Of Mailing Appeal Supreme Court
5/27/2008	CERT	MORELAND	Certificate Of Mailing Appeal to AG & State PD
5/15/2008	ANOA	MORELAND	Amended Notice of Appeal from State PD
5/5/2008	TRAN	MORELAND	Transcript Filed: Reporter Byrl Cinnamon's appeal: 48 pages
4/23/2008	NAPL	MORELAND	Notice Of Appeal Due Date From Supreme Court
4/11/2008	ORDR	HAMILTON	Judgment and Sentence
	ORDR	RICKARD	Order For Appointment Of State Appellate Public Defender In Direct Appeal; Retaining Trial Counsel For Residual Purposes
3/27/2008	MNPD	MORELAND	Motion For Appointment Of State Appellate Public Defender
	APSC	MORELAND	Appealed To The Supreme Court
	RCPH	MORELAND	Receipt Of Preliminary Hearing Transcript Public Defender
3/26/2008	RCPH	MORELAND	Receipt Of Preliminary Hearing Transcript County Prosecutor
	LODG	CAMPBELL	Lodged - Transcript Preliminary Hearing
	NOPH	CAMPBELL	Notice Of Lodging Of Preliminary Hearing Transcript
3/20/2008	JDMT	RICKARD	Judgment
	STAT	RICKARD	Case status changed: closed pending clerk action
	SNIC	RICKARD	Sentenced To Incarceration (I18-8309 Sex Offender-fail Register Change Address Or Name) Confinement terms: Credit time 64 days Penitentiary determinate: 3 years. Penitentiary indeterminate: 7 years.
	PLEA	RICKARD	A Plea is entered for charge: - GT (I18-8309 Sex Offender-fail Register Change Address Or Name)
	PTSO	RICKARD	Pretrial Settlement Offer
	DCHH	RICKARD	District Court Hearing Held Court Reporter: Byrl Cinnamon Number of Transcript Pages for this hearing estimated: (Under 100 Pages)

DEFENDANT'S
EXHIBIT

064

Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:22 AM

ROA Report

Page 2 of 3

Case: CR-2008-0001172 Current Judge: Fred M. Gibler

Defendant: Bradley, Joshua Robert

State of Idaho vs. Joshua Robert Bradley

Date	Code	User	Judge
3/20/2008	CPGT	RICKARD	Hearing result for Plea Change held on 03/20/2008 01:30 PM: Change Plea To Guilty Before H/t
	HRVC	RICKARD	Hearing result for Pre-Trial Conference held on 06/20/2008 02:00 PM: Hearing Vacated
	HRVC	RICKARD	Hearing result for Jury Trial Scheduled held on 06/24/2008 09:00 AM: Hearing Vacated 2 days
3/17/2008	PSRS	MORELAND	Plaintiff's Supplemental Response To Discovery
3/12/2008	KITE	MORELAND	Inmate Request Form re: name of girl friend on NCO
3/11/2008		JOHNSEN	Notice of Hearing
	HRSC	JOHNSEN	Hearing Scheduled (Plea Change 03/20/2008 01:30 PM)
2/28/2008		JOHNSEN	Notice of Hearing
	HRSC	JOHNSEN	Hearing Scheduled (Jury Trial Scheduled 06/24/2008 09:00 AM) 2 days
	HRSC	JOHNSEN	Hearing Scheduled (Pre-Trial Conference 06/20/2008 02:00 PM)
2/15/2008	ORDR	RICKARD	Order For Preparation Of Preliminary Hearing Transcript
2/14/2008	PTSO	RICKARD	Pretrial Settlement Offer -- Rejected
	HRHD	RICKARD	Hearing result for Arraignment in District Court held on 02/14/2008 01:00 PM: Hearing Held
2/8/2008	INFO	OREILLY	Information
2/7/2008	MNPH	MORELAND	Motion For Preparation Of Preliminary Hearing Transcript
2/5/2008		RICKARD	Notice of Hearing
2/4/2008	HRSC	RICKARD	Hearing Scheduled (Arraignment in District Court 02/14/2008 01:00 PM)
1/30/2008	SUBF	SHEDLOCK	Subpoena Return/found - Kenneth Lallatin 1/28/08
1/29/2008	SUBF	BAXLEY	Subpoena Return/found on 01/27/08 served Lamont E Petersen
	SUBF	BAXLEY	Subpoena Return/found on 01/25/08 served Kimmie R Bradley
	ORHD	INMAN	Order Holding Defendant
	BOUN	INMAN	Bound Over (after Prelim)
	PHHD	INMAN	Hearing result for Preliminary Hearing held on 01/29/2008 08:30 AM: Preliminary Hearing Held See Attached
	PRQD	MORELAND	Plaintiff's Request For Discovery
	PRSD	MORELAND	Plaintiff's Response To Discovery
	DRSD	MORELAND	Defendant's Response To Discovery

Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:22 AM

ROA Report

Page 3 of 3

Case: CR-2008-0001172 Current Judge: Fred M. Gibler

Defendant: Bradley, Joshua Robert

State of Idaho vs. Joshua Robert Bradley

Date	Code	User	Judge
1/29/2008	NOAC	MORELAND	Notice Of Assignment Change/Val Siegel in place of Staci Anderson To Be Assigned
1/25/2008	DFWP	MORELAND	Defendant's Written Plea of not guilty to misdemeanor charge(s) To Be Assigned
	DRQD	MORELAND	Defendant's Request For Discovery To Be Assigned
	NAPH	MORELAND	Notice of Appearance, Request for Timely Preliminary Hearing, Motion for Bond Reduction and Notice of Hearing/Staci Anderson To Be Assigned
1/18/2008		HOFFMAN	Notice of Preliminary Hearing To Be Assigned
	HRSC	HOFFMAN	Hearing Scheduled (Preliminary Hearing 01/29/2008 08:30 AM) See Attached Benjamin R. Simpson
1/17/2008	ORPD	STONE	Defendant: Bradley, Joshua R Order Appointing Public Defender Public defender Public Defender Penny E. Friedlander
	PTSE	STONE	Pretrial Services Evaluation To Be Assigned
			Document sealed
	ARRN	STONE	Hearing result for Arraignment/First Appearance held on 01/17/2008 02:00 PM: Arraignment / First Appearance Penny E. Friedlander
	HRSC	CARROLL	Hearing Scheduled (Arraignment/First Appearance 01/17/2008 02:00 PM) Penny E. Friedlander
	ORPC	CARROLL	Order Finding Probable Cause Penny E. Friedlander
	AFPC	CARROLL	Affidavit Of Probable Cause To Be Assigned
	CRCO	CARROLL	Criminal Complaint Penny E. Friedlander
	NCRF	CARROLL	New Case Filed - Felony To Be Assigned

Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:06 AM

ROA Report

Page 1 of 5

Case: CR-2007-0025856 Current Judge: Fred M. Gibler

Defendant: Bradley, Joshua Robert

State of Idaho vs. Joshua Robert Bradley

Date	Code	User	Judge
1/21/2009	STAT	HAMILTON	Case status changed: inactive
	ORDR	HAMILTON	Order to Stay Proceedings until conclusion of Post Conviction Relief file CV2008-9520
1/20/2009	NOTE	HAMILTON	Letter filed 1/20/09 by Defendant has been referred to the Public Defender's Office
	LETD	CARROLL	Letter From Defendant RE: Post Conviction
1/15/2009	NOTE	HAMILTON	Motion to Withdraw Plea is Stayed Until Post Conviction Relief Case is Concluded
	DCHH	HAMILTON	Hearing result for Status Conference held on 01/15/2009 02:00 PM: District Court Hearing Held Court Reporter: B Cinnamon Number of Transcript Pages for this hearing estimated:
1/13/2009		STONE	Notice of Hearing
	HRSC	STONE	Hearing Scheduled (Status Conference 01/15/2009 02:00 PM)
12/17/2008	BRIE	CARROLL	Brief
10/24/2008	REMT	CARROLL	Remittitur
9/26/2008	OPIN	CARROLL	Opinion Filed- NO. 656
9/5/2008	NOAC	CARROLL	Notice Of Assignment Change
8/27/2008	AFFD	MORELAND	Affidavit in support of motion to withdraw plea
	MOTN	MORELAND	Motion to withdraw guilty plea
6/4/2008	CERT	MORELAND	Certificate Of Mailing appeal to Supreme Court
5/15/2008	ANOA	MORELAND	Amended Notice of Appeal from State PD
5/5/2008	CERT	MORELAND	Certificate Of Mailing appeal to Attorney General & State PD
4/28/2008	TRAN	MORELAND	Transcript Filed: Reporyrt Byrl Cinnamon's appeal: 57 pages
4/10/2008	NAPL	MORELAND	Notice Of Appeal Due Date From Supreme Court
4/9/2008	ORDR	RICKARD	Order For Appointment Of State Appellate Public Defender In Direct Appeal; Retaining Trial Counsel For Residual Purposes
		RICKARD	PSI Transmittal Notice
	ORDR	RICKARD	Judgment And Sentence -- Committed To The Idaho Department Of Corrections
3/27/2008	MNPD	MORELAND	Motion For Appointment Of State Appellate Public Defender
	APSC	MORELAND	Appealed To The Supreme Court
3/25/2008	LETR	MORELAND	Letter from girlfriend
3/21/2008		RICKARD	PSI Transmittal Notice
3/20/2008	JDMT	BARKER	Judgment and Sentence - Committed To the ID Dept of Corrections

**DEFENDANT'S
EXHIBIT**
 12

067

Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:06 AM

ROA Report

Page 2 of 5

Case: CR-2007-0025856 Current Judge: Fred M. Gibler

Defendant: Bradley, Joshua Robert

State of Idaho vs. Joshua Robert Bradley

Date	Code	User	Judge
3/20/2008	STAT	BARKER	Case status changed: closed pending clerk action
	SNIC	BARKER	Sentenced To Incarceration (I18-8309 Sex Offender-fail Register Change Address Or Name) Confinement terms: Credited time: 109 days. Penitentiary determinate: 3 years. Penitentiary indeterminate: 2 years.
	SNPF	BARKER	Sentenced To Pay Fine (I18-8309 Sex Offender-fail Register Change Address Or Name)
	ORDR	RICKARD	Order To Dismiss Part II
	MNDS	RICKARD	Motion To Dismiss Part II
	PTSO	RICKARD	Pretrial Settlement Offer
	DCHH	RICKARD	District Court Hearing Held Court Reporter: Byrl Cinnamon Number of Transcript Pages for this hearing estimated: (Under 100 Pages)
	CPGT	RICKARD	Hearing result for Plea Change held on 03/20/2008 01:30 PM: Change Plea To Guilty Before H/t
	HRVC	RICKARD	Hearing result for Pre-Trial Conference held on 06/20/2008 02:00 PM: Hearing Vacated Habitual Offender count
	HRVC	RICKARD	Hearing result for Jury Trial Scheduled held on 06/24/2008 09:00 AM: Hearing Vacated 2 days - Habitual Offender count
3/17/2008	PSRS	MORELAND	Plaintiff's Supplemental Response To Discovery
3/11/2008		JOHNSEN	Notice of Hearing
	HRSC	JOHNSEN	Hearing Scheduled (Plea Change 03/20/2008 01:30 PM)
2/29/2008		JOHNSEN	Notice of Hearing
	HRSC	JOHNSEN	Hearing Scheduled (Jury Trial Scheduled 06/24/2008 09:00 AM) 2 days - Habitual Offender count
	HRSC	JOHNSEN	Hearing Scheduled (Pre-Trial Conference 06/20/2008 02:00 PM)
2/14/2008	PTSO	RICKARD	Pretrial Settlement Offer -- Rejected
	HRHD	RICKARD	Hearing result for Status Conference held on 02/14/2008 01:00 PM: Hearing Held -- Set Trial On Habitual Offender Portion Only -- 2 Days
2/6/2008	PSIR	MORELAND	Presentence Investigation Report Document sealed
2/5/2008		RICKARD	Notice of Hearing
2/4/2008	HRSC	RICKARD	Hearing Scheduled (Status Conference 02/14/2008 01:00 PM)
	CONT	RICKARD	Hearing result for Sentencing held on 02/04/2008 11:30 AM: Continued

Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:06 AM

ROA Report

Page 3 of 5

Case: CR-2007-0025856 Current Judge: Fred M. Gibler

Defendant: Bradley, Joshua Robert

State of Idaho vs. Joshua Robert Bradley

Date	Code	User	Judge
1/29/2008	NOAC	MORELAND	Notice Of Assignment Change: Val Siegel in place of Staci Anderson
1/22/2008	RQCN	MORELAND	Request for Continuance re: PSI
1/15/2008	NOTE	HAMILTON	Motion to Withdraw Plea is stayed until conclusion of Post Conviction Relief Case is Concluded, CV2008-9520
12/18/2007	WAVX	OREILLY	Waiver Of Extradition To Idaho
	DROR	OREILLY	Defendant released on own recognizance
12/17/2007	HRSC	RICKARD	Hearing Scheduled (Sentencing 02/04/2008 11:30 AM)
	ORDR	RICKARD	Order For Own Recognizance Release And Conditions
	ORES	RICKARD	Order for Evaluation(s) and Setting Sentencing
	PTSO	RICKARD	Pretrial Settlement Offer
	PLEA	RICKARD	A Plea is entered for charge: - GT (I18-8309 Sex Offender-fail Register Change Address Or Name)
	HRVC	RICKARD	Hearing result for Pre-Trial Conference held on 03/21/2008 02:00 PM: Hearing Vacated
	HRVC	RICKARD	Hearing result for Jury Trial Scheduled held on 03/25/2008 09:00 AM: Hearing Vacated 2 days
	CPGT	RICKARD	Hearing result for Bond Hearing held on 12/17/2007 02:30 PM: Change Plea To Guilty Before H/t
12/12/2007	HRSC	HAMILTON	Hearing Scheduled (Bond Hearing 12/17/2007 02:30 PM)
12/6/2007	PSRS	MORELAND	Plaintiff's Supplemental Response To Discovery
		JOHNSEN	Notice of Hearing
	HRSC	JOHNSEN	Hearing Scheduled (Jury Trial Scheduled 03/25/2008 09:00 AM) 2 days
	HRSC	JOHNSEN	Hearing Scheduled (Pre-Trial Conference 03/21/2008 02:00 PM)
	HRVC	JOHNSEN	Hearing result for Arraignment in District Court held on 12/17/2007 02:30 PM: Hearing Vacated
12/5/2007	PLEA	MORELAND	A Plea is entered for charge: - NG (I18-8309 Sex Offender-fail Register Change Address Or Name)
	DFNG	MORELAND	Defendant's Written Plea Of Not Guilty
	NOHG	MORELAND	Notice Of Hearing
12/4/2007		JOHNSEN	Notice of Hearing
	HRSC	JOHNSEN	Hearing Scheduled (Arraignment in District Court 12/17/2007 02:30 PM)
11/30/2007	KITE	MORELAND	Inmate Request Form re: bail reduction
		CLAUSEN	Order Assigning Judge On Disqualification Without Cause - Fred Gibler
11/28/2007	DISA	CLAUSEN	Disqualification Of Judge Mitchell - Automatic

Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:06 AM

ROA Report

Page 4 of 5

Case: CR-2007-0025856 Current Judge: Fred M. Gibler

Defendant: Bradley, Joshua Robert

State of Idaho vs. Joshua Robert Bradley

Date	Code	User	Judge
11/28/2007	ORDR	CLAUSEN	Order to Disqualify Judge Mitchell
11/27/2007	MNBR	MORELAND	Motion For Bond Reduction
11/23/2007	INFO	MORELAND	Information
11/21/2007	MNDQ	MORELAND	Motion To Disqualify Judge Mitchell (filed by Public Defender)
	MNDQ	OREILLY	Motion To Disqualify Judge Mitchell (filed by County prosecutor)
11/19/2007	ORDR	CRUSH	Order Setting Bail and Conditions for Release
	ORHD	CRUSH	Order Holding Defendant
	PHWV	CRUSH	Hearing result for Preliminary Hearing held on 11/19/2007 08:30 AM: Preliminary Hearing Waived (bound Over) See attachment.
11/15/2007	PRSD	OREILLY	Plaintiff's Response To Discovery
	PRQD	OREILLY	Plaintiff's Request For Discovery
	DRSD	MORELAND	Defendant's Response To Discovery
11/14/2007	SUBF	HUFFMAN	Subpoena Return/found 11/9/07 Charles C Sciortino
	SUBF	HUFFMAN	Subpoena Return/found 11/10/07 Joseph S Hicks
11/9/2007	KITE	MORELAND	Inmate Request Form re: assignment to Judge Mitchell
	PRQD	MORELAND	Plaintiff's Request For Discovery
	PRSD	MORELAND	Plaintiff's Response To Discovery
	DRQD	MORELAND	Defendant's Request For Discovery
	NAPH	MORELAND	Notice of Appearance, Request for Timely Preliminary Hearing, Motion for Bond Reduction and Notice of Hearing
11/8/2007		MITCHELL	Notice of Preliminary Hearing
	HRSC	MITCHELL	Hearing Scheduled (Preliminary Hearing 11/19/2007 08:30 AM) See attachment.
11/6/2007	NCOS	LARSEN	No Contact Order Served
11/5/2007	ORPD	LARSEN	Defendant: Bradley, Joshua R Order Appointing Public Defender Public defender Public Defender
	ORGR	LARSEN	No Contact Order: Civil Order Granted
	PTSE	LARSEN	Pretrial Services Evaluation
			Document sealed
	ARRN	LARSEN	Hearing result for Arraignment/First Appearance held on 11/05/2007 02:00 PM: Arraignment / First Appearance
	HRSC	CARROLL	Hearing Scheduled (Arraignment/First Appearance 11/05/2007 02:00 PM)
	ORPC	CARROLL	Order Finding Probable Cause
	AFPC	CARROLL	Affidavit Of Probable Cause

070

Date: 5/27/2009

First Judicial District Court - Kootenai County

User: DEFENDER

Time: 10:06 AM

ROA Report

Page 5 of 5

Case: CR-2007-0025856 Current Judge: Fred M. Gibler

Defendant: Bradley, Joshua Robert

State of Idaho vs. Joshua Robert Bradley

Date	Code	User		Judge
11/5/2007	CRCO	CARROLL	Criminal Complaint	Robert B. Burton
	NCRF	CARROLL	New Case Filed - Felony	To Be Assigned

ORIGINAL

Paul J. Szott, Deputy Public Defender
Office of the Kootenai County Public Defender
PO Box 9000
Coeur d'Alene, Idaho 83816
Phone: (208) 446-1700; Fax: (208) 446-1701
Bar Number: 4523

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED:

2009 OCT -9 AM 9:48

CLERK DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

JOSHUA R. BRADLEY,

Plaintiff,

V.

STATE OF IDAHO,

Respondent.

CASE NUMBER CV-08-0009520

Post Conv

SUPPLEMENTAL

MEMORANDUM IN SUPPORT OF
DEFENDANT'S PETITION FOR POST
CONVICTION RELIEF

COMES NOW, the above named defendant by and through his attorney, Paul J. Szott, Deputy Public Defender, and hereby submits the following Supplemental Memorandum in Support of his Petition and Affidavit for Post Conviction Relief, previously filed with this Court.

I. ISSUES PRESENTED

A. What are the elements of the 1996, State of Washington, crime of Rape of a Child in the First Degree?

B. Is a collateral attack upon the 2002 transfer of the petitioner to the Idaho adult sex offender registry appropriate in this Post-Conviction Request for Relief?

II. ARGUMENT

A. ELEMENTS OF RAPE OF A CHILD FIRST DEGREE.

In 1996 the Revised Code of Washington State (RCW), 9A.44.073 stated:

- (1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim.
- (2) Rape of a child in the first degree is a class A felony.

RCW 9A.44.010 Definitions states:

As used in this chapter: (1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and (b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and (c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

B. POST-CONVICTION RELIEF.

As previously set out in Plaintiff's original memorandum, the Uniform Post-Conviction Procedure Act, Idaho Code 19-4901(a) provides in part:

Any person who has been convicted of, or sentenced for, a crime and who claims:

- (1) That the conviction or the sentence was in violation of the constitution of the United states or the constitution or laws of this state; ...

- (4) That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice; ...
- (7) That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding, or remedy: may institute, without paying a filing fee, a proceeding under this act to secure relief.

A claim of ineffective assistance of counsel may be brought under the Post Conviction Procedure Act. *Murray v. State*, 121 Idaho 918 (1992). In *State v. Doe*, 136 Idaho 427 (2001), the court held that a post-conviction proceeding is the best and most appropriate method to create an evidentiary record that is adequate to evaluate an ineffective assistance of counsel claim. In addition, Idaho Criminal Rule 33(c) provides in part that "... but to correct a manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw defendant's guilty plea."

Mr. Bradley asserts that due to ineffective assistance of counsel legal issues were missed by counsel, those being that the underlying sex offense conviction in Washington State did not require registration under I.C. 18-8304. Specifically, I.C. 18-8304(1)(a) excludes convictions for 18-6101 1. And, that he was improperly transferred from the juvenile sex offense registry to the adult registry rendering the charge of failing to register as a juvenile sex offender a misdemeanor and resulting in a maximum penalty of one year for each count.

Mr. Bradley's appeal was denied on September 24, 2008. Mr. Bradley filed his Motion for Post-Conviction relief on November 8, 2008. This was within one year of the determination of the appeal and therefore was timely pursuant to I.C. 19-4902.

III. CONCLUSION

This Supplemental Memorandum is submitted at the request of Judge Gibler and sets out the elements of the relevant Washington State code sections. Mr. Bradley has timely filed this motion for post-conviction relief, based on ineffective assistance of counsel, and should be granted the relief as previously prayed for.

DATED this 9th day of October, 2009.

OFFICE OF THE KOOTENAI
COUNTY PUBLIC DEFENDER

BY:


PAUL J. SZOTT
DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 9th day of October, 2009, addressed to:

Kootenai County Prosecutor



*** FAX TX REPORT ***

TRANSMISSION OK

JOB NO.	3363
DESTINATION ADDRESS	912087533581
PSWD/SUBADDRESS	
DESTINATION ID	Gibler
ST. TIME	10/09 09:04
USAGE T	01' 22
PGS.	4
RESULT	OK

Paul J. Szott, Deputy Public Defender
Office of the Kootenai County Public Defender
PO Box 9000
Coeur d'Alene, Idaho 83816
Phone: (208) 446-1700; Fax: (208) 446-1701
Bar Number: 4523

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

JOSHUA R. BRADLEY,)	
)	
Plaintiff,	)	CASE NUMBER CV-08-0009520
	)	Post Conv
V.	)	SUPPLEMENTAL
	)	MEMORANDUM IN SUPPORT OF
STATE OF IDAHO,	)	DEFENDANT'S PETITION FOR POST
	)	CONVICTION RELIEF
Respondent.)	
)	

COMES NOW, the above named defendant by and through his attorney, Paul J. Szott, Deputy Public Defender, and hereby submits the following Supplemental Memorandum in Support of his Petition and Affidavit for Post Conviction Relief, previously filed with this Court.

I. ISSUES PRESENTED

- A. What are the elements of the 1996, State of Washington, crime of Rape of a Child in the First Degree?
- B. Is a collateral attack upon the 2002 transfer of the petitioner to the Idaho adult sex offender registry appropriate in this Post-Conviction Request for Relief?

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED:

2009 OCT 23 PM 4:44

CLERK DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

JOSHUA ROBERT BRADLEY,

Petitioner,

vs.

STATE OF IDAHO,

Respondent.

CASE NO. CV-2008-9520

OPINION RE: POST CONVICTION
RELIEF

Bradley pled guilty to two charges of Failure to Register as a Sex Offender, I.C. § 18-8309. He was sentenced on March 20, 2008. He seeks post conviction relief. A trial on his petition was held on September 10, 2009. Post trial briefs were filed on October 8, 2009.

FACTS AND PROCEEDINGS

Bradley was convicted in juvenile proceedings in Washington for the crime of First Degree Rape of a Child. Disposition was entered in the Washington court on January 16, 1997. In those proceedings, Bradley was required to register as a sex offender. Exhibit C details the facts surrounding the crime

committed in Washington. Bradley moved to Kootenai County while still a juvenile and registered in the juvenile sex offender registry. He turned 21 in October 2001.

On October 8, 2002 Bradley stipulated in Kootenai County case no. CV-02-6937 to a waiver of hearing and transfer to the adult sex offender registry in Idaho. In the stipulation, Bradley acknowledged that he was required to register as a sex offender for life. An order was entered on October 15, 2002 transferring Bradley to the adult sex offender registry. Thereafter Bradley registered in Idaho. In so registering Bradley signed a form which stated he was violent sexual predator which, through his signature on the document, Bradley agreed was true. The form also lists his crime as "18-6101(1) Rape". Under the law as it then existed, he would not have been required to register if his crime was statutory rape as defined in Idaho law.

In his application for post conviction relief Bradley attacks the Order entered in 2002 transferring him to the adult sex offender registry. His position is that the crime for which he was convicted in Washington, Rape of a Child in the First Degree, is the substantial equivalent of statutory rape in Idaho for which he would not have been required to register. Bradley contends that his plea to Failure to Register as a Sex Offender was a conviction in violation of the laws of Idaho. Bradley also contends that his attorney in the Failure to Register case was deficient in failing to seek to set aside the 2002 Order requiring him to register.

The state contends that his Washington conviction was the equivalent of Idaho's lewd conduct statute which requires lifetime registration.

INEFFECTIVE ASSISTANCE OF COUNSEL

Bradley submitted no evidence in support of his claim that counsel's performance was deficient in failing to attack the 2002 Order transferring his registration. The 2002 Order was entered into voluntarily by Bradley, and he waived his right to a hearing in the 2002 proceeding. No theory has been advanced by Bradley by which counsel could have sought to set aside the 2002 Order in the Failure to Register case. Any relief from the terms of that Order would have to be pursued in the 2002 action.

Bradley has the burden of proof to establish that the performance of counsel was deficient, and he has failed to do so.¹

BRADLEY IS REQUIRED TO REGISTER AS AN ADULT

The Washington statute, which led to Bradley's conviction in that state, is Revised Code of Washington Annotated § 9A.44.073. That provision states:

A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim.

¹ In his petition, Bradley also claims an alleged language barrier as a basis for his requested relief. He neither presented evidence in support of this allegation, nor argument concerning how such a barrier, if shown, would entitle him to relief. Accordingly, this allegation fails.

Idaho Code section 18-1508 states: "Any person who shall commit any lewd or lascivious act . . . upon a minor child under the age of sixteen years including but not limited to, genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact, or manual-genital contact" when done to gratify the lust or desires of such person is guilty of lewd conduct with a minor under sixteen.

Idaho Code section 18-6101(1) defines statutory rape as "the penetration, however slight, of the oral, anal, or vaginal opening with the perpetrator's penis . . . where the female is under the age of eighteen (18) years."

Idaho code section 18-8305(1)(b) requires registration by one who has been convicted of any crime that is substantially the equivalent to the offenses requiring registration under Idaho law.

A review of the facts surrounding Bradley's Washington conviction shows that his Washington conviction involved conduct equivalent to lewd conduct in Idaho. Exhibit C describes the conduct for which Bradley was convicted in Washington. Those acts, which were done to a victim less than twelve years old, are within the acts proscribed by Idaho's lewd conduct statute. Had Bradley chosen to contest his obligation to register as an adult in the 2002 proceedings, those facts would have been presented to the court and would have resulted in a determination that he was required to register as an adult. Bradley waived his right to a hearing on his duty to register and stipulated that he was required to register eliminating the need for a hearing.

If it is the intent of Idaho Code § 18-8305(1)(b) that a court merely compare the language of Washington statutes to the language of Idaho statutes in making the determination of whether the crime in Washington is the substantial equivalent of an Idaho statute, then statutory rape in Idaho is more equivalent to Rape of a Child in the Second Degree in Washington. RCWA § 9A.44.076 states:

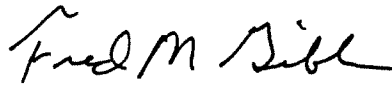
A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

It is concluded that the crime for which Bradley was convicted in Washington is the substantial equivalent of the Idaho offense of Lewd Conduct With a Minor Under the Age of Sixteen for which registration as an adult is required.

ORDER

Bradley's petition for post conviction relief is denied.

DATED this 21 day of October, 2009.



FRED M. GIBLER, District Judge

I hereby certify a true and correct copy of the foregoing was mailed, postage prepaid, this 29 day of October, 2009, to the following:

Paul J. Szott
Deputy Kootenai County Public Defender
P.O. Box 9000

Coeur d'Alene, ID 83816-9000

Intr office mail

James Reiersen
Deputy Kootenai County Prosecuting Attorney
P.O. Box 9000

Coeur d'Alene, ID 83816-9000

Intr office mail

DANIEL ENGLISH, Clerk of Court

By: 

Deputy Clerk

KOOTENAI COUNTY SHERIFF'S DEPARTMENT
JAIL BUREAU
INMATE REQUEST FORM (KITE)

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED:

MUST BE FILLED OUT COMPLETELY BEFORE REQUEST WILL BE PROCESSED
ONLY ONE REQUEST PER KITE

RECEIVED OCT 26 PM 3:032
JAMES DEED
CLERK DISTRICT COURT

Inmate's Name: Joshua Bradley

Date: 10-26-09
Pod: 8
Cell: 11

Circle One: Medical
Attorney/Court Contact
Haircut
Law Library

Grievance
Appeal
Complaint
Request

Chaplain
Classification

Name/
Number: 237134

Explanation: Judge Gibler, District Court. CV-08-9520

I am awaiting for courts decision regarding
my post-conviction, Relief. The state has filed
the opposition, & we're awaiting your
reply. And a court date as well?
I am just curious when that might
be?
Thank you

Inmate's Signature: [Signature]

Receiving Deputy: [Signature]

ID# 52 Date/Time 10-27-09 0940

THIS REQUEST IS NULL AND VOID IF INMATE WRITES BELOW THIS SPACE

ACTION

Routed to: Court

(to be filled in by Deputy receiving request form)

Answer: ☐ Approved ☐ Denied

Reason: 10/29/09 - Joshua Bradley - DPINON Filed 10/23/09

copies to:

Relief Denied -

PD - 446-1701

KCPA 4461833

[Signature]

Responding Staff Signature: _____

ID# _____

Date _____

Copy to File _____ Copy to Inmate _____

083

KOOTENAI COUNTY SHERIFF'S DEPARTMENT
JAIL BUREAU
INMATE REQUEST FORM (KITE)

STATE OF IDAHO
COUNTY OF KOOTENAI
FILED: 1 SS

2009 NOV 12 PM 4:50

MUST BE FILLED OUT COMPLETELY BEFORE REQUEST WILL BE PROCESSED
ONLY ONE REQUEST PER KITE

Inmate's Name: Joshua R. Brackley

Date: 11-9-09 old Akin

Pod: DEPT 2

Cell: 2

Name/Number: 237139

Circle One: Medical
Attorney Court-Contact
Haircut
Law Library

Grievance
Appeal
Complaint
Request

Chaplain
Classification

Explanation: I am Attempting to file a motion for a "Summary
hearing" (I.C. 18-832), however I have very little supplies to
do so. Will the court accept a handwritten motion, on
yellow legal writing paper? As it is all I have supplied by
the jail. If not, how does an offender file a motion without
the needed items/appropriate material?

Thank you!

Inmate's Signature: Joshua R. Brackley

Receiving Deputy: SIMMONS

ID# 2261

Date/Time 11/10/09 1000

THIS REQUEST IS NULL AND VOID IF INMATE WRITES BELOW THIS SPACE

ACTION

Routed to: Court CV 08-9520

(to be filled in by Deputy receiving request form)

Answer: [] Approved [] Denied

Reason:

11/16/09 - Copy to Public Defender - Int'l Office mail
Enf. mail

Responding Staff Signature: _____

ID# _____

Date _____

Copy to File _____ Copy to Inmate _____

084

ORIGINAL

Paul J. Szott, Deputy Public Defender
Office of the Kootenai County Public Defender
PO Box 9000
Coeur d'Alene, Idaho 83816
Phone: (208) 446-1700; Fax: (208) 446-1701
Bar Number: 4523

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED:

2009 NOV 27 PM 2: 23

CLERK DISTRICT COURT

Sherry Huffman
DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

JOSHUA BRADLEY

Petitioner/Appellant,

VS.

STATE OF IDAHO

Respondent.

CASE NUMBER CV-08-0009520

NOTICE OF APPEAL

**TO: THE ABOVE NAMED RESPONDENT, STATE OF IDAHO, AND THE CLERK OF
THE ABOVE ENTITLED COURT:**

1. The above named Appellant hereby appeals against the above named Respondent, the State of Idaho, to the Idaho Supreme Court from the final Opinion Re: Post Conviction Relief entered in the above entitled matter on October 21, 2009, the Honorable Fred M. Gibler, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the Opinion described above in paragraph one, is an appealable Judgment under and pursuant to Idaho Appellate Rule 11(a)(1).

3. The issues Appellant intends to assert in this appeal include, but are not necessarily limited to:

I. Ineffective assistance of counsel.

II. Unlawful/Unconstitutional sentence.

III. Ineffective transfer to the Adult Sex Offender Registry.

4. Appellant requests the preparation of the entire reporter's standard transcript as defined in Rule 25 I.A.R., and to also include the following, pursuant to Rule 25 (b):

All Recorded Proceedings

5. The Appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28 I.A.R.:

Petitioner's Exhibits A-L.

6. I hereby certify as follows:

A. A copy of this Notice of Appeal has been served upon all court reporters from whom a transcript is requested. The name and address of each such reporter is marked below in the Certificate of Service.

B. The Appellant is exempt from paying the estimated transcript fee because the Appellant is an indigent who is represented by the Office of the Kootenai County Public Defender.

C. The Appellant is exempt from paying the filing fee because the Appellant is an indigent who is represented by the Office of the Kootenai County Public Defender.

D. The Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is an indigent who is represented by the Office of the Kootenai County Public Defender.

E. Service has been made upon all parties required to be served pursuant to Rule 20 I.A.R., to wit the Kootenai County Prosecuting Attorney, and the Attorney General of Idaho pursuant to Section 67-1401 (1) Idaho Code.

DATED this 27th day of November, 2009.

OFFICE OF THE KOOTENAI COUNTY
PUBLIC DEFENDER

BY:

A handwritten signature in black ink, appearing to read 'Paul J. Szott', written over a horizontal line.

PAUL J. SZOTT
DEPUTY PUBLIC DEFENDER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 27th day of November, 2009, served a true and correct copy of the attached NOTICE OF APPEAL via interoffice mail or as otherwise indicated upon the parties as follows:

<u>X</u>	Kootenai County Prosecuting Attorney P.O. Box 9000 Coeur d'Alene, Idaho 83816-9000	via Interoffice Mail
<u>X</u>	Molly J. Huskey State Appellate Public Defender 3647 Lake Harbor Lane Boise, Idaho 83703	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Facsimile (208) 334-2985
<u>X</u>	Lawrence G. Wasden Attorney General P.O.Box 83720 Boise, Idaho 83720-0010	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Facsimile (208) 854-8074
_____	Reporter for District Judge John T. Mitchell, Julie Foland (Kootenai County, PO Box 9000, Coeur d'Alene, ID 83816) via Interoffice Mail	
<u>X</u>	Reporter for District Judge Fred M. Gibler, Byrl R. Cinnamon (Kootenai County, PO Box 9000, Coeur d'Alene, ID 83816) via Interoffice Mail	
_____	Reporter for District Judge John P. Luster, Anne MacMannus (Kootenai County, PO Box 9000, Coeur d'Alene, ID 83816) via Interoffice Mail	
_____	Reporter for District Judge Charles W. Hosack, JoAnn Schaller (Kootenai County, PO Box 9000, Coeur d'Alene, ID 83816) via Interoffice Mail	
_____	Reporter for District Judge Lansing Haynes, Laurie Johnson (Kootenai County, PO Box 9000, Coeur d'Alene, ID 83816) via Interoffice Mail	



MOLLY J. HUSKEY
State Appellate Public Defender
State of Idaho
I.S.B. # 4843

SARA B. THOMAS
Chief, Appellate Unit
I.S.B. # 5867
3647 Lake Harbor Lane
Boise, Idaho 83703
(208) 334-2712

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED:

#948 18
2010 FEB 10 PM 2:50

CLERK DISTRICT COURT
DEPT. 1
[Signature]

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR KOOTENAI COUNTY

JOSHUA R. BRADLEY,

Petitioner-Appellant,

v.

STATE OF IDAHO,

Respondent.

CASE NO. CV 2008-9520

S.C. DOCKET NO. _____

AMENDED
NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE PARTY'S ATTORNEYS, BILL DOUGLAS, KOOTENAI COUNTY PROSECUTOR, P.O. BOX 9000, 500 GOVERNMENT WAY, COEUR D'ALENE, ID, 83816-9000, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Opinion entered in the above-entitled action on the 23rd day of October, 2009, the Honorable Fred Gibler, presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11(a), I.A.R.

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

- (a) Did the district court err in dismissing the appellant's Petition for Post Conviction Relief?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:

- (a) ~~All Recorded Proceedings~~; and
- (b) Court Trial held on September 10, 2009 (Court Reporter: Byrl R. Cinnamon, estimation of 50 pages).

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

- (a) Affidavit of Show Cause and Summary Hearing held on November 24, 2008;
- (b) Letter from Plaintiff filed April 14, 2009;
- (c) Letters from Defendant filed April 20, 2009, and April 28, 2009;


- 07/10/2010 14:02 FAX 200 604 2000
- (d) Memorandum in Support of Defendant's Petition for Post Conviction Relief lodged August 13, 2009;
 - (e) Defendant's List of Exhibits filed August 13, 2009;
 - (f) Inmate Request Forms filed October 28, 2009, and November 12, 2009; and
 - (g) Any exhibits, affidavits, objections, responses, briefs or memorandums, including all attachments or copies of transcripts, filed or lodged, by the state, the appellate, or the court in support of, or in opposition to, the dismissal of the Post-Conviction Petition including, but not limited to, that Memorandum in Support of Defendant's Petition for Post Conviction Relief lodged August 13, 2009.

7. I certify:

- (a) That a copy of this Amended Notice of Appeal has been served on the Court Reporter, Byrl R. Cinnamon;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) That arrangements have been made with Kootenai County who will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e);

- (e) That service has been made upon all parties required to be served pursuant to I.A.R 20.

DATED this 10th day of February, 2010.



MOLLY J. HUSKEY
State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 10th day of February, 2010, caused a true and correct copy of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

PAUL J SZOTT
KOOTENAI COUNTY PUBLIC DEFENDERS OFFICE
SHOSHONE COUNTY PROSECUTING ATTORNEY
700 BANK ST
STE 200
WALLACE ID 83873

BYRL R CINNAMON
COURT REPORTER
PO BOX 527
WALLACE ID 83873 0527

BILL DOUGLAS
KOOTENAI COUNTY PROSECUTORS OFFICE
PO BOX 9000
500 GOVERNMENT WAY
COEUR D ALENE ID 83816 9000

KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
PO BOX 83720
BOISE ID 83720 0010
Hand delivered to Attorney General's mailbox at Supreme Court



HEATHER R. LEWIS
Administrative Assistant

MJH/TMF/hrl

093

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED

2009 MAR 29 AM 11:17

CLERK DISTRICT COURT
Linda Shedd
DEPUTY

TO: Clerk of the Court
Idaho Supreme Court
P.O. Box 83720
Boise, ID 83720-0101

DOCKET NO. 37522-2010

(JOSHUA R. BRADLEY
(
(vs.
(
(STATE OF IDAHO

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on March 29, 2009, I lodged a transcript of 53 pages in length for the above-referenced appeal with the District Court Clerk of the County of Kootenai in the First Judicial District. I have lodged all assigned appellate transcript(s) requested in the Notice of Appeal.

9/10/09, Court Trial

Byrl Cinnamon
Byrl Cinnamon

March 29, 2009

EXHIBIT LIST

PLAINTIFF'S EXHIBITS

Exhibit 1 – Order Of Disposition

Exhibit 2 – Idaho Sex Offender Registry Local/Annual Registration Form SOR-2

Exhibit 3 – Order To Waive Hearing And Transfer Offender To The Adult Sex
Offender Registry Pursuant To I.C. 18-8410

Exhibit 4 – Stipulation & Order To Waive Hearing & Transfer Offender To The
Adult Sex Offender Registry Pursuant To Idaho Code 18-8410

Exhibit 5 – Idaho Sex Offender Registry Notification And Registration Form

Exhibit 6 – Judgment And Sentence (CRF07-25856)

Exhibit 7 – Judgment And Sentence (CRF08-1172)

Exhibit 8 – Petition And Affidavit For Post Conviction Relief

Exhibit 9 – Register Of Actions (CV08-9520)

Exhibit 10 – Register Of Actions (CV02-6938)

Exhibit 11 – Register Of Actions (CR08-1172)

Exhibit 12 – Register Of Actions (CR07-25856)

DEFENDANT'S EXHIBITS

Exhibit B – Affidavit Of Val Siegel

Exhibit C – Dispositional Report To The Court

IN THE SUPREME COURT OF THE STATE OF IDAHO

JOSHUA R. BRADLEY,

Petitioner/Appellant,

v.

STATE OF IDAHO,

Respondent/Respondent on Appeal

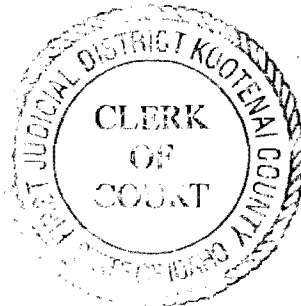
Supreme Court Case No.

37522-2010

CLERK'S CERTIFICATE

I, Daniel J. English, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, do hereby certify that the above and foregoing record in the above entitled cause was compiled and bound under my direction as, and is a true, full and correct record of the pleadings and documents under Rule 28 of the Idaho Appellate Rules. I further certify that exhibits were offered in this case. I certify that the Attorneys for the Petitioners and Respondents were notified that the Clerk's Record was complete and ready to be picked up, or if the attorney is out of town, the copies were mailed by U.S. mail, postage prepaid. on the 20 day of April, 2010. I do further certify that the Clerk's Record will be duly lodged with the Clerk of the Supreme Court. In witness whereof, I have hereunto set my hand and affixed the seal of said Court at Kootenai County, Idaho this 20 day of April, 2010.

DANIEL J. ENGLISH
Clerk of the District Court



Linda Shedd
Deputy Clerk